

**POOLESVILLE PARKS BOARD
MEETING OF DECEMBER 9, 2009**

PRESENT: BUTCH ZACHREL, KEVIN CARMACK, DOUG MCKENNEY, KURT BEHREND, TIM PIKE, JIM BROWN, JEFF MCINTYRE. ALSO PRESENT WAS TOWN MANAGER, WADE YOST, AND TOWN STAFF, PRESTON KING.

Call to Order

Mr. McKenney: Present are Butch Zachrel, Kevin Carmack, Doug McKenney, Kurt Behrend, Preston King and Wade Yost.

Announcements

Mr. McKenney: First announcement is our next meeting is January 6th.

Citizen's Comments on Agenda Items

Mr. McKenney: And we have citizens here tonight do you folks have any comments on our agenda tonight?

Approval of Minutes

Mr. McKenney: All right the first order is to approve the minutes from the November meeting. Does anybody have any changes?

Mr. Behrend: Move that they be adopted as submitted.

Mr. McKenney: I had one question that I needed Jeff to be here on so. Jim will be late so we can do it later.

Mr. Behrend: Withdraw the motion until we have a quorum present.

Mr. McKenney: I'd forgotten that we didn't because Jim isn't here.

New Business

Mr. McKenney: Well I guess we just go right into it. First order under new business we have Williams Adventure Preliminary Plan Review, Announcement for Spring Reservations, and Campbell Park. Are you folks here for the Williams Adventure? Ok if you would come up and speak into the mic and introduce yourself name and address that would be great thank you.

Mr. Jamison: For the record I am Robert Jamison I live at 16200 Edwards Ferry Road, Poolesville, Maryland.

Ms. Jamison: I am Susan Jamison of the same address.

Mr. Jamison: We are husband and wife and we are here before the Parks Board to present Williams Adventure, a proposed subdivision of 2 lots on a 90 plus or minus acre site that Susan and I own.

Ms. Jamison: We submitted a letter to you which I hope each of you have had a chance to review.

Mr. McKenney: Yes we have, I have.

Ms. Jamison: Well the letter basically states that it was mentioned of a fee a recreation fee in lieu of a dedication of parkland and we reviewed the statute in the letter and showed that there was a, we could ask for an exemption, a waiver, in light of the fact that we were a very small subdivision. So we went through the statute a little bit to explain what it said and why we thought we were the perfect case for such a waiver and then we

examined the fee and showed that the fee was actually like 5 times the worth of the acreage which would have been dedicated under the statute for farmland and also that the fee according to the statute was tied to the impact fee recreation fee and I didn't see that, I asked for a copy of the impact schedule and I didn't see that particular item but we are slated to pay the full impact fee for residential lots as it stands anyway so it's a really good case for in our opinion and we hope you agree that we should be waived out of the parkland in fact if you look at the statute carefully, another thing I point out the smaller the lot the larger the dedication under your regulation on the theory that people who live on very small lots have a greater need for recreational area in fact the difference is if its under $\frac{3}{4}$ of an acre or greater and in our case we are greater than the $\frac{3}{4}$ of an acre, we are 1 acre lots and not only that but we are on a farm so my daughter and her husband and the other people that live on the other lot will be enjoying a really nice area anyway, my son-in-law can come up and attest they now live in a one bedroom apartment in Silver Spring and this will be like living in a park to them on a 1 acre lot, not trying to be facetious but it is a big lot.

Mr. Behrend: Having moved from a condo a 1200 square foot condo to a 1-acre lot I understand.

Ms. Jamison: And then we also brought up the issue of the sidewalk. We are asking there was some discussion at the meeting with the Planning Board about a sidewalk going in front of the 2 lots but they are on a farm and they would not begin or end up with another sidewalk, so it would be rather peculiar to put a sidewalk right in front of these 2 lots and it would be an expensive thing to have that nobody really seems to, that we certainly don't want, my daughter and her husband don't want it and would bring you know there are kids that walk down to school there and I am afraid it would bring kids crossing the road just to walk on that sidewalk then crossing back I just can't think it would be a good thing, a safe thing or why it would be wanted. So we are asking you, maybe you have good reasons for wanting it but we are thinking that maybe it is not a good idea.

Mr. Zachrel: Well I would have to say I didn't know we were considering 2 houses a subdivision.

Mr. Behrend: The whole time you break up land it's a subdivision.

Mr. Zachrel: I understand the rules and regulations and the fees and all the legal and all of that but in my, I would support that. That is my opinion.

Mr. McKenney: Could you explain to me how, help me understand how it is that you are looking at 2 lots.

Mr. Jamison: I can address that. In 1981 Montgomery County enacted the Rural Density Transfer Zone and in that zone for each 25 acres a site was afforded a lot, so this particular site has 90 acres therefore 3 lots, you take 90 acres and divide it by 25 acres to come up with 3 potential lots, so there is an existing farmhouse there were Susan and I lived for awhile. So that is one of the potential lot uses, so there were 2 left and these are the 2 that were left now in that Rural Density Transfer Zone a site can be clustered down to as small a lot as 40,000 square feet, well these lots are 43,560 which is an acre and we just thought that would be good an acre lot and Laura and Rob my son in law and my daughter they are going to be the recipient of one of these lots, that is the impetus for this.

Mr. McKenney: The acre is a minimum isn't it?

Mr. Jamison: Maybe in the Town Code but in the County Code it is 40,000 square feet. I was going back to the 1981 deal so that's the reason for the 2 lots Sir.

Ms. Jamison: There is a great desire on the part of the government to keep lots small on farms in order to preserve the farmland so that is the real impetus too for the size of the lots.

Mr. McKenney: You mentioned something that was going through my mind, right now it is a piece of property with just 1 lot, you mentioned as a result of this you will end up with 3 lots so...

Mr. Jamison: I am going to have 2 lots and a residue parcel.

Mr. McKenney: All right well I guess when we look at subdivisions and I can't speak for the Planning Commission but my sense would be they probably are similar but and we calculate how much parkland is needs to be given over to the Town, we look at the entire parcel as however many lots it is going to be broken up into as the entire parcel. So I guess what I am saying is is that though this is being subdivided and you are putting 2 new houses on you are subdividing a 90 acre parcel, which means that the calculations would be based upon the parcel that you are subdividing, am I stating that accurately.

Mr. Yost: Technically I think you are correct and that is one thing Alan our attorney had also said.

Ms. Jamison: Well we would disagree with that interpretation. The fact is we have the right to put 2 lots on but we are not subdividing the rest of the farm, the farm is not included in the subdivision, it hasn't been included in the subdivision plans.

Mr. Jamison: I am thinking about all of the subdivisions that I have done and I don't know that your Code is, but I am a Real Estate expert and she is a Counselor at Law just so that the Board knows ok, and we deal in the real property all the time, now looking back on PUD's and everything that we've done and nowhere have we ever taken the residue tract and included that in any calculation, it is just not done that way, it wouldn't be equitable to say that you are taking 2 acres off a site and use the 400 acres as a base for a park calculation, it is just not done that way and I don't think there is any case law or any subdivision anywhere that I can think of that we have ever done or anyone else that I have represented has ever done that has been calculated that way, it just couldn't be that way.

Mr. McKenney: I hear what you are saying, I know what the Town Attorney kind of in conversation with us and conversation in a loose sense, it was an email, kind of indicated this is what it was.

Mr. Jamison: I can understand you leaning that way and thinking that might be the way but I have never seen it and have done a considerable amount in it and it just doesn't make common sense.

Mr. McKenney: Let me ask you, the Master Plan and I think some of the maps in the Master Plan indicate that there is a trail slated at some point in the future to go between basically right down your property line I guess on that end and between yours and Rabanales property line, how does I'm looking at and I don't know if this is the plat or not but would what you are proposing accommodate that trail.

Mr. Jamison: And here is how I addressed it with Wade and the other gentlemen at the Planning Board. The Master Plan shows the trail, a potential trail, and I can appreciate the want for a potential trail but we are, I am engaged in the pursuits of agriculture very heavily and on that particular site I farm it and I am out there with the large mechanized

machinery, combines, big tractors, fertilizer applicators, pesticide applicators, and I'm a licensed pesticide applicator in the State of Maryland and I don't want the pedestrians exposed to all of that stuff and that potential liability. I'm zoned for agriculture, I am doing exactly what the zone calls for, and I have been doing it there since we bought the farm in 1985, I don't know the exact date of purchase but for the record...

Mr. Behrend: Its been a while we will take your word for it.

Mr. Jamison: But somewhere in that range. The site that is continuous with my site and to the north is a wooded tract and I know Alan Rabanales well and Farvani too, I think the trail should go on them. I also offered the Planning Board the right to put a waterline along my north boundary because the waterline doesn't impact my farming operations, there used to be a three phased power line that went across that north side but they took it out of there, why I don't know but they did, it went down south like the --- in that area, it still goes down Budd Road, but all this being said I don't want a bunch of pedestrians walking through me when I am out there farming because I have staff, if I were there maybe we could stop the combines and whatever but you guys know what harvest is, I mean we are hard at it and planting too, we are really not playing around we are running the big farm operation and I just think it would be a negative, and my daughter and my son in law really didn't want the pedestrians over there along their north boundary, coming and going and that kind of stuff. So I hope I have addressed some of that concern.

Mr. Behrend: I can respect your concerns on that. I hope you can respect some of the things we are looking at in terms of longer term vision, not this year, next year, but 10, 15, 20 years down, some of the trails we have got on the Master Plan aren't going to be built for 20 years and if we take them off the Master Plan then we don't have them or we have to go back and buy land that we previously had access to, so that is some of our thought considerations here and I hope you understand where I am coming from with that.

Mr. Jamison: I do and I appreciate that statement because I have been through a number of condemnations in my life and Rifle Ford Road, WSSC took a site from me there a big site, Great Seneca Highway took a site from me and up here at the Dickerson Generating Station I was condemned on the Antinelli Farm and numerous other slivers and strips and rights of ways were taken from me through the power of eminent domain.

Mr. Behrend: Well we try not to do eminent domain we try to do things in coordination and up front, that is the way it should be.

Mr. Jamison: And I understand and I appreciate that but I want to make the point here that I do have a right to put 2 lots on this site and I told Wade this too and I told the Counselor at Law too Mr. Wright I believe is his name, I told him that we do have that right without giving that trail, you have the right to condemn that trail and take it through eminent domain, just because it is on the Master Plan does not give you the right to take it.

Mr. Behrend: Not directly no.

Mr. Jamison: Because landowners and you too have certain rights in your real property and we have the right under the Rural Density Transfer Zone law to build these 2, to subdivide these 2 lots and get a building permit without giving you a trail, because it is on the Master Plan does not make it law that you have a right to get it.

Mr. Zachrel: Is this trail going to be built in any foreseeable future?

Mr. Yost: Say that again I am sorry.

Mr. Zachrel: Is the trail going to be built in the foreseeable future?

Mr. Yost: What is the foreseeable future?

Mr. Zachrel: Well I heard 10, 20 years down the road.

Mr. Yost: Within 10 years it could be built yes.

Mr. Zachrel: Ok because my feeling is, is that we could always write language into any agreement that says if and when we have the budget, we have the wherewithal to actually build this trail then we could actually build it, until then...

Mr. Behrend: That is the part we do through public use agreements and such and that is what has been done on other developments, you have a public improvement easement that is in there whether we have used it or not immediately there is a trail that goes behind Jeff's house that we still have that right of way and that came in when the developer built the land, no one is going to deny that you have the right to build these 2 homes, that is not an issue at all, at least not from this Board and I will take the arrogance of speaking for my colleagues there but I think that is an accurate statement, it's the use of the questioning on sidewalks, the questioning on our trail that's where we get surrender an opinion to the Planning Commission. Now a trail running through there Butch it may never be built or it may be built in 10 years, it depends on the use that we have, it depends on what happens on the Rabanales property there are a lot of unknowns in here. Not being a lawyer but I might argue the point with you Mr. Jamison about whether we can ask you for that trail space or not and whether you just shift your zoning, please I am doing this in all friendliness, this is a friendly board.

Mr. Jamison: I understand that this is a friendly board and we are here just to get these nice kids, to give them a lot.

Mr. McKenney: And we and I we are not trying to give you a hard time.

Mr. Jamison: I know that.

Mr. McKenney: What we have this Charter Code Subdivision Regulations and all this other stuff says that we have the ability to do acts all right, the idea being that we could look at this and say you have 3 lots when you are done, the whole parcel gets brought into the calculation which would result in over 196,000 square feet of parkland, now we also have to be concerned about setbacks, centerlines for roadways, street trees because we try and keep a harmonious type of tree and design throughout the town as part of the subdivision ordinances and sidewalk, curb and gutter so we could be real pains and say we want the 196 or we could find somewhere in the middle to kind of meet, which is what I think we'd all probably like to try and do.

Mr. Behrend: And if I can offer one suggestion that might ease things off, you have spoken of the sidewalks, no it doesn't make sense at this time, that is the key phrase "at this time" to have sidewalks in front of the two homes however, I think it does make sense in anticipation of the Rabanales property eventually being developed to have that right of way and the understanding that we would eventually because when that property is developed there would be a need to have a sidewalk on that side of the road, you don't have to put it in now, if we can set this up mutually but the understanding that the right of way would be there and at such future time as we need to go in and do it and again I don't know what Rabanales' plans are it could be 5, 10, 15 years.

Mr. Jamison: That is fine I understand that, that is fine, I will concede to that. I won't concede to the trail, I will allow though the Town which has been brought to me the right

to put a waterline, they want to get that waterline connected over on the Budd Road side to the Hughes Road side, I will allow that at no cost, you don't have to pay anything, I will give you an easement to put that waterline in because they want the flow of the water, they don't like that water deadhead so I'll give that, I will agree at some point in time if the Town deems it necessary we will put the sidewalk in and Wade might have been here before but I have given ground for sidewalks right down here at Cattail Road I am here to work with the Town but not against but I really don't want the path on me, I just don't, I am farming, I've got liability and Rabanales is there put it on him. He has got the woods, it is like a nature trail through there, he is not farming.

Mr. Behrend: And I understand that I understand your concern.

Mr. Jamison: Its not I'm trying to be selfish its just and...

Mr. Yost: We have a couple different loop systems, well 9, 10 and 7 are all located on Budd Road and we pump it from that 1 location, they only have 1 entry point into the rest of the system, so if we have a loop system we could actually inter 2 different systems and it provides much equalized pressure, better flow throughout the town.

Mr. Behrend: Get rid of the single point of failure.

Mr. Yost: Right.

Mr. Pike: And it would go from Budd Road to Hughes?

Mr. Yost: Yep.

Mr. McKenney: Well let me see if, so you are willing to allow us a 10-foot wide right of way along that property line.

Mr. Jamison: It might even be wider than that.

Mr. McKenney: What's that?

Mr. Jamison: If it is 10 feet wide that is still not wide enough to maintain a waterline, we are going to need temporary ingress and egress language like we did...

Mr. Yost: Well we will yeah...

Mr. Jamison: Because if something breaks or you need to have your backhoes sitting on my land without the right to do it, I am not going to raise any hell about it but I might die and these kids might get it and who knows what they are going to do.

Mr. Behrend: And we appreciate that foresight that is what we try to look at.

Mr. Jamison: And so we have done it before with the Town, as a matter of fact she wrote the whole annexation deal to bring all this property in, she authored it all and wrote it pro-bono, I just want to give you some background.

Mr. Behrend: We are aware of that Sir.

Mr. Jamison: For all this stuff.

Mr. Behrend: Having been around a while.

Ms. Jamison: Mr. Dillingham dictated the terms of that agreement.

Mr. Jamison: But all that being said I thought I was being a pretty square guy giving the waterline and the reasoning I came up for not wanting the trail I think was square and we are not here asking for the world we are asking for 2 lots in a small town that I grew up in.

Mr. Behrend: We are just trying to figure out the best way we all win. One question though Wade, Rabanales I don't recall off the top of my head, what is their current zoning?

Mr. Yost: He is also RDT but it is 4 15-acre parcels.

Mr. Behrend: Ok because that is a reduction from what I had sitting in my head, that was back at the last rezoning that they did that or because...

Mr. Yost: Well at the last rezoning he attempted to get rezoned and it didn't occur.

Mr. Behrend: Ok that is where it is triggering in, so it is 4 15 acre lots would be the most he could do right now.

Mr. Yost: Correct.

Mr. Behrend: Got it.

Mr. Jamison: I want to bring the Board up to record and I want to bring him up to speed too. Rabanales bought that site and we pulled the deed in 1985, it was subsequent to 1981. The Rural Density Transfer Zone went into effect in June of 1981, Farvani Rabanales took the site by meets and bounds description in 4 15 acre parcels and we can subdivide through meets and bounds descriptions in a deed but that does not circumvent the zone in the subdivision regulation. They have 60 acres more left in that site, if you divide 60 by 25 its 2, its not 4.

Mr. Yost: I looked this up just recently been going through the paperwork and the same thing you are right it was recorded in 1985 as four different parcels, under four different tax parcels now in the County records and I didn't understand how that actually occurred either, that was prior to...

Mr. Jamison: By meets and bounds description and she can write a deed as a Counselor at Law and record it by meets and bounds description and I can take that 90 acres and I can break that into what 6 15 acre parcels ok so what would I get then 6 lots instead of 3, now somehow they are at 4 and not 2.

Mr. Behrend: Well that is going to be a future issue Mr. Jamison whether it is 2 or 4.

Mr. Jamison: I understand but when we get to the sidewalk...

Mr. Behrend: No the reason I am asking is I had buzzing in my head 1/3 acre which is what he was trying for at the last rezoning and that is what I wanted to clear up.

Mr. Jamison: And when we get to the sidewalk we've got either 4 on 15-acre parcels, or 2 pursuant to what is legal in the eyes of subdivision in the County. And we all have to defer to the County because they are our parent zone in the hierarchy for our RDT comes exactly.

Mr. Behrend: Unless it gets rezoned out of RDT because our zoning is prime within...

Mr. Jamison: And have to get a collateral agreement between the County and the State, which we don't have. But all this being said on the sidewalk issue I'm willing to consent to the fact that in the event those sites are future developed that we will build the sidewalk.

Mr. Behrend: At that time then there is a need and that is a great compromise to work out.

Mr. Jamison: And I would be happy to do it but it is not going to service much because we got the maximum of 4 against Rabanales or 2 at Rabanales so on 60 acres where is the sidewalk going?

Mr. Behrend: Understood but as long as we are looking at it as an eventual and an easement in there I think at least for me that satisfies my concerns that we may never exercise it but we have the right to exercise it if the need arises, again I am trying to look 20 and 30 years out.

Mr. Jamison: And we are as well.

Mr. Behrend: And I appreciate that and I appreciate you being willing to compromise and work with us on this.

Mr. Zachrel: And I kind of look at it you know what are the citizens that we have today, what are they looking for and to me it comes down to something very simple, trail yes or no, ok is the safety factor involved with all the farm equipment, the pesticides the things like that, you know whether they want a trail behind their house that is not the argument, the argument is the safety argument, the sidewalk yes or no and you know is it going to be today and if the need arises and the other things are done and if the sidewalk actually goes somewhere than yes or no and the parkland you know do we really take what really amounts to 2 lots and say we are going to build x amount of playgrounds there for those 2 lots yes or no and that is really what the arguments come down to and I hate to look at it really as a simplistic way but what are we trying to do for our citizens that are bringing to this Board today and that is the way I look at it.

Ms. Jamison: Thank you very much. And I just wanted to say that that is exactly how the statute reads, it reads about the recreation for the subdivision not for the town its for the use of the people in the subdivision.

Mr. McKenney: I think that means about more toward the trails so you are right that it does talk about the development and subdivision and the people living there but there are other parts that talk about trails and such and I think hold out if you want but regardless let me see if we can get through some little stuff first because I want to make sure that we are all on the same page with some smaller type stuff and then we will go back to one thing. Is the Town all right without with an agreement with respect to sidewalks?

Mr. Yost: I think we can work something up with a PIA on that.

Mr. McKenney: Ok. Curb and gutter usually goes in at the same time I'm not sure with the swale there I am not sure how all that fits.

Mr. Yost: I think just considering the rustic nature of the roadway on the whole stretch we can wait, similar to what we did with Hernandez.

Mr. Behrend: Its not so rustic the other side of where the development is.

Mr. Yost: Right there is no curb and gutter on the other side.

Mr. Behrend: Oh its set back that's right that part is set back so there are arrangements we can make with regard to that.

Mr. McKenney: Ok so we can strike an arrangement with sidewalks for future need that we have the ability to put them in, curb and gutter probably doesn't make sense right now.

Mr. Behrend: We want to just make sure we structure the easement in such a way that we can set it up like we have on the other side that's not going to...

Mr. Yost: Yeah basically it will be an annexation agreement with a 40-foot right of way from the centerline.

Mr. McKenney: Right yeah that was where I was going to get next, the 40 foot centerline from Hughes Road and 40 foot from Budd Road which I don't think is an issue because you are not on that side right and 30 foot from Willis Road which the same thing you are not touching that side so that should be what it is today. So then that leaves us with the idea of the right of way, if we, I guess if it needs to be more than 10 what are we looking at 12 or 14...

Mr. Yost: Typically you can have an extra 10 for a construction easement if you wanted.

Mr. McKenney: What about a 20-foot wide right of way spanning that distance on the property line to be used for public use.

Mr. Yost: And that just would be water, sewer, power line.

Mr. Jamison: Public Utility Easement, a PUE.

Mr. Yost: Well he is asking for a right of way actually not a PUE.

Mr. Behrend: It's not an easement.

Mr. Jamison: I like the right of way thing in a way because I don't have to pay taxes on that but I don't like the right of way thing because then I can't farm it without a leasehold estate, if I've got an easement, once we get the waterline in there I'm going to farm it and you guys are going to be happy I am farming it, you won't have to mow it and you got your cake and eat it too and I got my cake and eat it too, I got to pay the taxes but that is chump change and so I really don't want to give it to you in fee simple, I want to give you a right of way and...

Mr. McKenney: Well what if a 20-foot wide right of way could be used for public use with the exception of a trail but the right of way could be used as a buffer from farming in lieu of our recreation land fee.

Mr. Yost: So if a trail did go in on Rabanales property it could act as a buffer so if we needed to put trees up which I don't think we would but it would be a buffer.

Mr. Behrend: And not impact you.

Mr. McKenney: The trail wouldn't go there.

Mr. Zachrel: The question is can he farm it?

Mr. Jamison: Here is what I am willing to do. I am willing to grant the Town an easement on my north boundary for the construction of public utilities whether it be electricity, telephone, natural gas, water, whatever you want to put in there as far as a public utility easement you see them on plats all the time, PUE that is what I am willing to give you and I will give you the right to enter the site and we'll get the proper distance paralleling the existing language like the sewer lines that you have on my farm over here on Cattail Road which has already been wordsmithed for the Town to use that area, bring their machinery on and do whatever they want to do, destroy the existing crop that is growing there and all of that jazz and use it that way, that is what I am willing to give you and we will frame the language to you for your Counselors to look at.

Mr. McKenney: If we go that way then we have not honored our stuff here our job with respect to park or recreation type land. My thought was to have that right of way in lieu of...

Mr. Jamison: A park fee.

Mr. McKenney: Exactly.

Ms. Jamison: Mr. McKenney though we bring you back to our thought that even though you are talking about the Master Plan calling for a trail, that is completely separate from what we have to give to get a subdivision, what we have to give to get a subdivision is laid out very carefully in the statute and for the recreation it is inflated for the use of the people who are living in the subdivision which in our case is only 2 houses and under your regulations does state that there is, you know we can make a letter request for a waiver in the case of a small subdivision its not talking about a big amount of land, we are looking at it very differently here and we are hoping that you will see that giving the utility easement would far greater benefit the Town than having to go through this about

well what is really required of us under the statute and does it really serve the 2 houses that we are bringing to you.

Mr. Zachrel: I guess my question is, is what we are voting on or I guess at the end of this conversation will be a vote, is the vote is the waiver from the Town Ordinance in order to get what you just stated there.

Mr. Behrend: No what it will be is our recommendation to the Planning Commission which they can agree with or disagree with although for the record they generally have agreed with us and this is our purview. That is what it is and it comes as a recommendation from us to Planning, they will then consider it and as I said they generally have agreed with us and then it goes I guess it goes through the regular development I guess the Commissioners will have it eventually.

Mr. Yost: No Planning Commission.

Mr. Behrend: Planning Commission says that's it and then you go through ZBA for any arguments or whatever so we act as an Advisory Body to the Planning Commission in terms of any development so what we say here tonight no it is not binding but it does carry weight with the Planning Commission.

Mr. McKenney: And obviously if we can come to an agreement tonight it probably carries better weight. You have met with Planning already right?

Mr. Jamison: Yes Sir.

Mr. McKenney: Did they deny the waiver or they passed on it for the moment?

Mr. Jamison: We didn't discuss the waiver.

Mr. McKenney: Ok. Ok.

Ms. Jamison: We didn't know there was a waiver but they only they said that in lieu of taking parkland, they did mention the trail but it wasn't mentioned in conjunction with the dedication under that particular statute they talked about getting a fee from us in lieu of giving parkland and the fee as we show in the letter is excessive when considering the value of the land and the subdivision.

Mr. McKenney: Which is why I am trying to get to this right of way because that fee is excessive looking at this 90 acre parcel and saying that's the parcel that is being subdivided as a whole and I appreciate what you are saying there is only 2, we've dealt with other developments where you are breaking them up into numerous plots and lot sizes and such but if you are leaving a piece of property that's theirs a historic piece or its an existing house from a farm that acreage is included in that total calculation so its not that we are doing something out of the ordinary, what we might be doing out of the ordinary is saying yes you'd have 2 lots here and a big chunk over here so I'm trying to work and get what the Town needs but still satisfy the fact that looking at it as a subdivision that is going to have 20 houses in it, that that is not what is happening here so I am trying to find that happy balance too and I'm not trying to give you a hard time.

Mr. Jamison: I know that you are trying to do what is best for the Town and apply the Ordinance as you understand it and see it and I appreciate that but its almost like 10 cents holding up a dollar here, I'm spending \$5000.00 and the deal is done, that is what they proposed at the Planning Board so for \$5000.00 I can pay the fee in lieu and give you no waterline and no park and we are done. I don't want to spend the 5 grand, 5 grand is a lot of money to me I am a dirt farmer and...

Mr. Behrend: Bobby we know better than that.

Mr. Jamison: I worked like a damn dog to get this farm and I want to give it to her, nobody gave me anything except my father gave me hell but all this being said and that is the reality of it I can give the Town 5 grand and it goes away.

Mr. Behrend: What is the limit of a buffer for a waterline that you would look at normally as we are looking back at this waterline, what is the limit of a buffer there, how close...

Mr. Jamison: I'm not going to give any land, I am going to give you the right to use my land to go through there and enter it and go on it and fix it and put it in or do whatever you want to do for perpetuity.

Mr. Behrend: But let me finish the sentence and maybe it will make some sense hopefully. How far would you have to keep your equipment from a waterline to prevent accidental interruption of that line or power line or whatever anything we bury through there.

Mr. Jamison: No I'd run right on them. I'd run those combines right on those waterlines I do it now I got a waterline on there.

Mr. Behrend: I'm trying to understand how it works.

Mr. Jamison: I harvest right over it. Every acre we can get and we can keep farming it helps us, you know I brag critical mass is important.

Mr. Behrend: I'm trying to --- that you like what they had up in Frederick on the, where they put the waterline and then took land from the farmer.

Mr. Jamison: I appreciate where you are coming from here Sir I really do. I would like the Parks Board to allow us a waiver and I'd like to recommend that a right of way be utilized there, Jamison's will give it for a waterline or a public utility easement because I think the Town needs it. That's a big expanse of land between Jamison and Rabanales and you don't have one there now and I think for the future of the Town it will help I think for your flow it will help you, it will help you now on your flow. And that is my pitch to the Board and I think I'm giving something that I don't have to give, I can pay 5 grand be done and go home.

Mr. Behrend: Wade if I can ask, precedent here is what I am concerned with and we can set up the words in such a way that we don't set a precedent we have done it before, but what have we done on small developments in the past in this respect, we've had people come in with 1 or 2 home sites.

Mr. Yost: Well single sites are exempt from it they don't have to but this is the only 2nd one, Hernandez was a 3 subdivision parcel and they paid the fee in lieu.

Mr. Behrend: Ok.

Mr. Pike: Did they put a sidewalk?

Mr. Yost: They put a sidewalk and an offsite sidewalk.

Mr. McKenney: Yeah they did that is true.

Mr. Behrend: We've got the sidewalk issue handled, we are both in agreement on that one I think.

Mr. Yost: Yeah that was a little bit different.

Mr. Behrend: So like I said we can write the words to solve precedent issues.

Mr. Yost: Definitely and that would be a fairly large if it is a 20 foot easement across the entire span of that property he'd have to move his 2 lots down a little bit.

Mr. McKenney: Right yeah.

Mr. Jamison: I don't know that with the right of way you would as long as we had the building restriction line far enough from the waterline.

Mr. Behrend: You have easements running through lots of properties and a couple through mine that didn't affect my property.

Mr. Yost: I'm just thinking maybe you put--- sticks in the backyard or something and the waterline was there and wouldn't want to take the fence down.

Mr. Behrend: You'd have to understand that when you put the fence up that it can come down if it's got to get...

Mr. Jamison: Well I'm going to run the combine right at his back door.

Mr. McKenney: After we are all long gone if there is that extra room it may be beneficial if you shifted the property down I don't know what it would take whether it is 5 feet or 10 feet or whatever.

Mr. Jamison: I'm just (inaudible) I mean they think I'm their money maker I guess that is why I told them not to come here tonight, these lawyers, and these professionals, these surveyors eat me alive now because they are all starving.

Mr. McKenney: You got a lawyer sitting next to you. The easement is ok that will work?

Mr. Yost: Right we can take that in with the recreational.

Mr. Behrend: I think a fee waiver is a good compromise.

Mr. McKenney: All right I can't make a recommendation.

Mr. Zachrel: I would make the recommendation but I didn't write down the words to use.

Mr. McKenney: Make sure that we, we got to touch on each one of those.

Mr. Behrend: Let me take a shot here. I move that the Parks Board recommend to the Planning Commission that we sit in agreement with the Jamison's in terms of sidewalk right of way or easement whichever is the appropriate term for future use as the Town eventually deems it if the need arises that that's the sidewalk covered, that in lieu of the parkland or in lieu of fee that we work to establish a right of way or easement which is most amenable to both parties in terms of the north border running from Budd Road to Hughes Road for public utility use, street trees I believe that we have on here are covered under the reforestation rules that would apply regardless and we've put off discussion of the trails until such time as the Rabanales property is developed whatever time in the future that is, does that cover what we need?

Ms. Jamison: Could we agree that the trail would not go on our property if the right of way goes on that boundary?

Mr. Behrend: We can further make the recommendation that we heavily consider that the trail be entirely on the Rabanales property.

Ms. Jamison: Thank you.

Mr. McKenney: Although in that instance it may be beneficial to everybody if that strip becomes a buffer that is used to put trees or something to protect anybody that may be using the trail from any wayward combine driver.

Mr. Behrend: Or any wayward combine driver from any wayward walker on the trail. Motion is on the floor, we need a second.

Mr. Zachrel: I'll second.

Mr. McKenney: The motion has been made its been seconded all in favor signify by saying aye.

All: Aye.

Mr. McKenney: All opposed, any abstentions, motion carries.

Mr. Yost: Mr. Jamison one comment, I will go ahead and put you on the Planning Commission agenda for next Wednesday and at that time we can take a look at the other issue and bring this to a close. I think you probably have to put the correct right of ways as far as off of Hughes Road and I am not sure where your building restriction line is located right now but it might have to go back I think you only have 30 or 35 foot out of the 40 but I can't tell from this map I have in front of me here.

Mr. Jamison: But you pulled the right of way dedication out of...

Mr. Yost: Annexation agreement. I pulled it the other day and was looking at it.

Mr. McKenney: So did you get what you need?

Mr. Yost: Yes. He made a lot of good points and he was very cordial this evening too.

Mr. Behrend: I think we have a good win/win.

Mr. Yost: I do too.

Mr. McKenney: Yeah I think it would have may been better to get the right of way but I don't think that was going to happen so.

Mr. Behrend: We did that we had to wait for you on the minutes.

Mr. Pike: You want to do your motion then?

Mr. McKenney: Hold on I wanted to ask I need to ask McIntyre a question.

Mr. Behrend: Go off record for a second.

Mr. McKenney: Yeah go off record.

Mr. Yost: Don't listen Cathy.

Mr. Behrend: No you actually said that.

Mr. McKenney: Did I.

Mr. Behrend: Yes Sir.

Mr. McIntyre: I move we take the minutes from last month and we hand whoever we have to the corrections.

Mr. Behrend: Second.

Mr. McKenney: It has been moved and seconded all in favor signify by saying aye.

Mr. McKenney, Mr. McIntyre, Mr. Pike, Mr. Behrend: Aye.

Mr. McKenney: Opposed, motion carries.

Mr. Zachrel: Butch Zachrel abstains.

Mr. McKenney: Oh yes thank you.

Mr. Behrend: So three abstentions and 3 in favor none opposed, we have Jim absent.

Mr. McKenney: Yes. Announcement for spring reservations, I saw something in here that you are going to, this is going to go in the papers.

Mr. Yost: Yep.

Mr. McKenney: Ok do we need to read it into the record?

Mr. Yost: You don't have to it is for the public really.

Mr. McKenney: Ok basically for you and I, I guess, January 31 unless is that even happening PAA anymore or no.

Mr. Carmack: For what?

Mr. McKenney: Baseball fields, it's not all over to UMAC right.

Mr. Carmack: No.

Mr. Behrend: He'd like that.

Mr. Carmack: I'm getting a lot of pressure but no.

Mr. McKenney: All right just if anybody is interested January 31 is the deadline for field permitting applications for spring use, we have Stevens Park for baseball fields, soccer fields, concession stand. Halmos 3 baseball fields, soccer field and concession stand. West Willard Road practice fields. Are we still permitting the small soccer practice field by Halmos?

Mr. Behrend: What used to be the Bodmer pond.

Mr. Yost: We really don't advertise that one.

Mr. McKenney: It's used almost every year ok all right that is fine.

Mr. Yost: Kind of rough very hard.

Mr. Carmack: What about Campbell Park?

Mr. McKenney: Campbell Park that is the next item on the agenda.

Mr. Carmack: I meant last year we used it for T-Ball and it worked out great ok, they were I thought they were going to be complaining about rock and this and that because it was just all grass and I bought special bases that they can lay down and they requested it.

Mr. King: Did they end up playing in the back?

Mr. Carmack: Yeah in the back.

Mr. King: With the fence we put in and everything.

Mr. Yost: I wish there was some decent parking there.

Mr. Carmack: And the problem with T-Ball is all the parents want to obviously come, it is not a dump and run. This year I would actually encourage that the whole T-Ball group to go up and kind of clean up the park before we start because I don't think that is a place you guys get back in whether it is rocks or bottles and that kind of thing.

Mr. King: I'm just saying on the whole that is a nice field.

Mr. Carmack: I used it as an offset so I didn't have to put them on the bigger field because we were tight enough I looked at the records because we had a Board meeting the other night and even as many as we got I had to go rent from the Middle School so using Campbell actually helped out a lot and I didn't have to go rent anything and if they are happy I am happy.

Mr. McKenney: Let me ask you a question though, I'm trying to remember the shape of that it is kind of oblong right?

Mr. Behrend: Its weird.

Mr. McKenney: And the parking lot is up here you come down and then you use the backside over here.

Mr. King: The park is actually split with a road. You have a triangular part where they played and there is a section off to the left that has a concrete pad and some giant maple trees and then grassy area, you can't play in there.

Mr. McKenney: Yes I think we should definitely add this to the list of fields for T-Ball only.

Mr. Behrend: But no that is great that you are using that.

Mr. Pike: Did you have a permit back there?

Mr. Behrend: Nobody threw them off.

Mr. Yost: We offered it for soccer but I don't think anybody ever used it.

Mr. Behrend: We've had volleyball, we've had horseshoes, we've had all sorts of things.

Mr. Yost: There used to be a basketball thing and a pavilion in there but that got burned down.

Mr. McKenney: So the reason that the other not the other but the reason I had put Campbell Park on the agenda was because of a concern that maybe it was underutilized as a park overall, now it is good to hear that half of it is utilized but the other half may be I don't know if it gets much use. So that assumption does anybody have any...

Mr. McIntyre: A couple months back I had made a recommendation to just fence in an area that neighbors had talked to me about a dog run someplace in town where they can take their dogs and do training or whatever, all it would really require is fencing.

Mr. King: You know in all honesty where the big trees are you know I am saying across that road you could put one in there.

Mr. Behrend: And that wouldn't interfere with people on it.

Mr. King: Not at all and actually there is 2 houses that electric fences go down, it wouldn't take that much to fence the one, the other side has the 6 foot fence the only thing that would probably cost a little money we'd have to diagonal follow the trail there we'd have to close it somehow on the other side of that concrete pad but you could turn it into a dog park very easily. It is not a bad idea. Now the thing is though going up into those houses clearing it with the residents.

Mr. Yost: Just like you might want to hold a public hearing we'll notify all the contingent...

Mr. Pike: Well how big are dog parks usually?

Mr. Yost: I just saw one I was in Ocean Pines looking at their Skatepark and they had a dog park right next to it and it was probably 50 yards long by 30 wide I mean it was a decent size.

Mr. Behrend: Do we need to modify the rules in any way then special for a dog park we already say you got to clean up after your animal?

Mr. King: Have to be leashed too.

Mr. Behrend: And they have to be leashed.

Mr. Yost: I think we would have to look at some rules and see how...

Mr. King: But you could work within a dog park...

Mr. McIntyre: You are talking about leashes but once you are inside this area though...

Mr. Behrend: That is where we have to make an exception then because right now you are leashed.

Mr. Pike: A leash would interfere with a dog park.

Mr. Zachrel: Yeah because what is a dog park if you have them on a leash.

Mr. Behrend: Yeah it is a nitpick but it is something we have to look at. I say look at it in January.

Mr. McKenney: Well I guess what do we, we would need, I guess it would be helpful to have a drawing of the park right. All right for January so is it easy enough to get drawings Wade of that park or no.

Mr. Yost: I'll see we probably have something. Dog Park was on the survey.

Mr. McKenney: It was I think we need to pull it out and find out where on the survey it was but it was on the survey and it did have...

Mr. Behrend: It had significant, I don't know how significant is significant but there is support.

Mr. King: And there is a need for it because I am just saying on a side note over at Stevens Park we actually had to lock open a gate because what people were doing on the ball field they would let there dog in and close it and then the dog could run the whole

field and they were pooping on the ball field, we had to chain open a gate so people can't do that. So there is a need for it.

Mr. Carmack: Especially I would think in the townhouses.

Mr. King: When there is snow on the ground they do it inside the tennis courts.

Mr. Carmack: And the townhouses of all the places don't have much of a yard and that is kind of like...

Mr. King: That would be a real good area.

Mr. Pike: Well this is turning into a dog park out here.

Mr. Yost: At least they carry the bags for most part.

Mr. McIntyre: And I am not saying we should do this but I have seen them in places where they actually provide bags.

Mr. Pike: We'd have bags everywhere people wouldn't put them in the trash.

Mr. King: Actually most people, people will bring their own trash bags, this Town...

Mr. Carmack: Do you provide a place for them to throw away their bags?

Mr. King: All the parks have trashcans in it and this might sound funny probably 1/3 of the trash we remove are dog waste. What is funny we removed a few trashcans and man a week later we had phone calls saying where are our trashcans and literally the same colored bag day after day so it is 1 or 2 people using it but it is, we give them the park we give them the can they are going to use it.

Mr. Yost: This would probably be a budget item you guys are going to be looking at.

Mr. King: Local business could advertise on it and pay for the bags.

Mr. Carmack: The elementary school recycles grocery bags and stuff like that.

Mr. McKenney: All right Wade you will see if you can get me a drawing otherwise we will Google map something and get it.

Mr. Yost: Yeah we actually can do that too if we have too.

Mr. McKenney: And does it make sense to look at Milestone I mean do we need to. And you said you thought we were going to have to do a Public Hearing right.

Mr. Yost: That would probably be a good thing. Everybody says not in my backyard.

Mr. McKenney: If we look at this January with any kind of seriousness and then February we would have the Public Hearing.

Mr. Behrend: Two weeks --- days notice is required.

Mr. McKenney: Ok so February, March.

Mr. Behrend: February should do it.

Mr. McKenney: Ok.

Mr. Carmack: To go back to the 31st of January are we going to talk anymore about that, about how you want to do that are you going to wait on that are we going to do it the same way we did it last year, you want to explore, I mean I kind of have an idea of what I think. I mean the way it was done before which is with somebody kind of doing it all by themselves in a vacuum then you got to bring to the table some negotiating, and I was telling him if we could do that once all the stuff is in and do it offline like a we call it a working group meeting and you sit there and that is where you trade and everybody gets a little of what they want, and then you come and here is what it is.

Mr. Yost: I think that is the way it has to be done and that is what I was thinking of also. But we are going to be discussing the Charter on kind of what happened the other night.

Mr. McKenney: Yeah I got to update that.

Mr. Yost: Really the Parks Board, what is happening now is a Charter update, we have big discussions and we talk about the permit aspect of it. Permits are going to be done administratively by Staff ok, the Parks Board will be an Appeals Board for somebody that feels aggrieved by the denial of a permit. So Staff is going to be taking care of it and that is exactly having a work group with the folks with Staff is exactly what I was thinking of, that kind of makes it easier all the way around.

Mr. Carmack: It worth it, it worked last year but just getting in touch with everybody the problem is if you get everybody in the room as soon as you have all the permits and lock it in, everybody could then because there is such a short period of time to go out and set up your teams and telling the people what they want and if they are still open but as we know there is a number of different leagues and different types, you know softball and baseball and others that we got to try to make accommodations for.

Mr. Yost: And it should be a little easier this year because Halmos 3 now has been changed over.

Mr. McKenney: Right probably aren't going to be looking for the same size.

Mr. Carmack: And it may be different because certain people may not be, you know as you go through these phases certain people may not be coming to the table anymore and so that opens up things. But I looked at them last Monday night and it was there was a gentleman with GAC and Cartwright and some people are more interested in the middle of the summer versus the spring when everybody else wants but I am sure we can work it out and who is the guy around the court from me I can't think of his name, he has got his house up for sale around the corner but he had a, Cissell he and I between emails and this and that there is certain phases but you can easily, everybody can get what they want or some version of what is good enough, no doubt.

Mr. Yost: Its easy once you get them together you can find compromises.

Mr. McKenney: I guess it can go under new business. The rest of the update with respect to the Charter a lot of first of all that whole introductory paragraph we talked about who has got the Commissioners let us do stuff but they always have the veto power or this that and the other things was all basically taken out and it simply says now just duties, and the duties are boom, boom, boom, some of this stuff was I forgot to grab the one from that night, some of what we actually put in was duplicative when you looked at it and talked through it so some of that was struck, we will continue to look at parks, approving our parks, I think replacing equipment, obtaining new parks or reconfiguring to make better use or proposing to reconfigure, the idea of moving money or having the ability to take some money from one accrued fund to make another one whole in order to do something pretty much fell flat on its face but the argument there was this has never really been a problem or an issue and at the end of the day regardless we would still have to present and recommend everything to the Commissioners anyway so the recommendation would likely be, we want to do this, we need to do this, this particular park equipment is not due to be replaced for 2 years it is falling apart it didn't last like we thought it would, we have \$20,000.00 accrued we need \$25,000.00 to replace it recommendation is that the Commissioners allocate \$5000.00 from someplace so we can just go ahead and do it.

Mr. Yost: And see the thing right now by Charter the Commissioners it takes 4 of them to be able to make a budget amendment, the difference with you guys and the CEDC is all of your stuff is in Capital Improvement Projects, CEDC are small programs similar to

like we have a list of what they are going to do with it, they are given some money to do and accomplish their task, you guys are much larger projects I mean theirs are very small things, like Preston he has \$20,000.00 a year for trucks, that buys filters, tires, oil, whatever but we don't say he can only spend \$10,000.00 on tires you can spend this much on oil and this much on gas, we need to spread it around because it is an operational account and that is the way they are dealt with.

Mr. McKenney: The paragraph with respect to trees and maintaining them and all was changed, what was left in there is the idea the tree board in a sense of subdivisions and replacement of trees and deciding trees, streets, streetscape...

Mr. Yost: Really an overall broad scope of the trees.

Speaker: (Inaudible).

Mr. Yost: Yep and that helps keep you guys apprised of those things and if you have recommendations on it, --- your --- just been taken away but its more you guys can oversee what is going on rather than dealing with the administrative aspect.

Mr. McKenney: Yeah more than one time it was indicated that a lot of what some of what we do and some of what was written in there was administrative type stuff and the thought was that that is not what the Charter is overall and that with respect to us we should be more of a policy presenting or over arching body.

Mr. Behrend: One of the statements made that the whole idea of looking at this is a lot of things were written for a town of 3000 and a staff of 2 and we can't run a town of 7000 the way we ran a town of 3000.

Mr. Pike: Well like with permits.

Mr. Behrend: And that is fine I mean the idea is we were evolving, yes I know somebody laughed at me about the tree thing that was just something that was there. And the whole idea the original idea of the Tree Board was we needed a Board so we could get the grants and Jim Alsobrook and I sat down and came up with ok what else is legitimate for a Tree Board and that is what it was, if its time to change it change. The whole intent all the way through as I said in my last email is we got to run a town of 7000, its not your great grandfather's parks board or the Town Commissioner and unfortunately some people don't see that.

Mr. Yost: I pulled up some Charters from some towns our size and a little bit bigger and I like the way they are written in the Charter I shared them with the Commissioners but they really didn't feel that way, but it really had a lot of visionary and doing things about programs and rec programs and team stuff and it was a whole different...

Mr. Behrend: Which at one point we did.

Mr. Yost: We did before.

Mr. Behrend: And things get siphoned off and moved around.

Mr. McKenney: Well I think that and I think there was for a period of time and I remember hearing more stories than actually being involved in it because I wasn't on the Board yet but there wasn't the money to do it. So the idea we could do this and we could do that well the money just wasn't there, not that its here now either but I think there is a little bit more and there is a little bit more of a vision that yeah we are bigger we need more of these sorts of things because we are bigger.

Mr. Yost: Like the Community Center that is something we need to start thinking about that is going to be a huge, huge thing with programs and different things.

Mr. Zachrel: And even the smaller things like a dog park, we can say we are providing the citizens of Poolesville these different recreational activities, these different types of parks, these different types of things and basically hopefully be able to provide them a laundry list of all the things that this Town provides its citizens and to have that kind of vision to be able to say here is our Top 5 list ok Commissioners lets figure out how to pay for it because they have got the responsibility to do that.

Mr. Behrend: Yeah we've always had that list, there have been lots of things on there that either haven't been workable or we've tried and not made them work for whatever reason they didn't work, they were unworkable at the inception, or the money wasn't there, so there has been a lot of things tried like that. There is a list out there with Jerry always yells about it with an ice rink on it, a wintertime ice rink. The idea was right here in Whalens you could sit up a temporary rink and skate during the winter but as pointed out the winters aren't as cold as they used to be temporarily they may shift. On a --- scale Butch yes temporarily, temporary could be 1000 years but it is temporary.

Mr. McKenney: I didn't make comment that night but yes those things are in the back of my mind that we have done some fairly visionary things within the last several years. It is my belief Parcel 840 kind of and the whole idea of buying it was birthed at this, well not here but over there, but as this Board as this Body and that that was really pushed hard by us to the Commissioners, Skatepark yes, the band shell here yeah it was either do a gazebo or we could do something better than that, we need to dah, dah, dah, dah, dah and we all sat here and hashed out...

Mr. Behrend: The park that sits in front of us as an open space, permitted open space not baseball field, not development, not whatever, there is lots of things we've done so.

Mr. McKenney: And I will take input for the State of the Town meeting that I realized that I am going to have to prepare for now.

Mr. Yost: The 19th by the way.

Mr. McKenney: You said February something didn't he, I scribbled something down.

Mr. Yost: Tuesday, Monday is a holiday, Washington's Birthday or...

Mr. Behrend: King's birthday.

Mr. McKenney: Martin Luther King's birthday. The other thing that was discussed there were 2 other things that were discussed the question was at one point why are there 7 of us and why are we as big as we are and I didn't know and it goes way back when I think, I think Wade knew something.

Mr. Behrend: When I came on the Board it expanded to 7 because they were having a hard time with 5 getting a quorum.

Mr. McKenney: Right so long story short we are still at 7. The other brief discussion was around the whole idea of does this Board even stay as an independent Board or does it get rolled into Planning. Long story short again we are here so I think that that is good, I was here at the work session they let me talk so I was able to impart some of our my our view point of what we do here that they don't necessarily see because they see the reports and summaries and so forth and so on and that is a fair understanding, so we are still here, we still got 7 of us but I think that we need to continue down this kind of vision policy idea and try to continue to roll that along.

Old Business

Mr. McKenney: Old business I would like to, in the minutes there is a place where we asked Jim Brown to provide us with a detailed breakdown of how the Skatepark was

funded, allocated, and the other Parcel 840 and so forth and so on, he emailed that out to us, I recommended and he said it was going to happen that this be put in a couple different places, one on the website, two in the next Straight Talk because whether you like the numbers or not doesn't make any difference, there is no it is very clear where things are going and I think its...

Mr. McIntyre: There is too much false information out there.

Mr. McKenney: Exactly and that is my whole point and I said it at the end you know lack of information breeds speculation and we all know we have a few speculators in this Town so what I would like to do is make it part of this meetings minutes just by putting it in so that way it is public in that sense and I hope that we are able to get it out more broadly because I think it will answer a lot of peoples questions. Naming of Parcel 840 everybody got a name suggestion, there should be well...

Mr. Behrend: That is interesting to see that his daughter called about that because I know the last time I talked to Tom about this he had no interest but I will grant that was many years ago so.

Mr. Pike: This is the list?

Mr. Yost: Yeah Bobbie put it together.

Mr. McKenney: I know this is not historically what we have done but do we need to name the, well this may be revoked but do we need to name the whole parcel a park or facility or could we name the Skatepark something and when the recreation building is built we name that building and then we are talking about a small tot lot type thing do we want to name that, that is my thought or do we want to name the whole thing, we could still do those sub pieces if we wanted to presumably nobody would want to have the parking lot named after them.

Mr. Yost: Well if you take a look at Halmos Park we didn't name the concession stand or the tennis courts or each ball field after anybody, when you said that the thought popped in my mind, but when you say the Rec Center I could see that being named after somebody.

Mr. McKenney: Right and my personal thought was I tried to do a real quick using Ray Hoewing's history of Poolesville here trying to figure out if there is something and yes there is a lot of names in here I got some flags for peoples names and things here, there are certain Generals of the Civil War that went through here, you probably know more about that than I do, but one of the things that struck me was this whole idea of who was here before we were even here and it used to be the mascot, not the mascot exactly, so there are two primary tribes here the one I can't pronounce the other one is the Iroquois and I mean I thought what if we named it Iroquois Park, so that is my suggestion. You guys got to come up with something.

Mr. Pike: I have two.

Mr. McKenney: Ok.

Mr. Pike: Dillingham and the other one is the guy sitting to my left right here.

Mr. Behrend: I'm not eligible because I'm still serving.

Mr. Pike: Well how many years you put in?

Mr. Behrend: When this term is done it will be 20.

Mr. Pike: You could resign.

Mr. Behrend: Well what are you saying by that Tim. No anybody serving on a Board even if they come back on but I appreciate the thought there, my wife would be...

Mr. McIntyre: So if we suggest other names we have to get them approved prior to.

Mr. Behrend: Well for parks names we don't approved names is for streets and that ran through the County of make sure there are not two Wade Yost Boulevards in the County. Tom Dillingham was one I don't know where that would go politically, but Tom did serve this town probably a quarter of a century in one capacity or another, whether you agreed with him or not he did serve this Town.

Mr. Pike: What about Chris Zullo?

Mr. Behrend: Actually we have Zullo Road going in because Chris was on this Board about 22 years. Spencer Schmidt would be another name, I don't know if Spencer wants anything named for him though.

Mr. Pike: Schmidt Park.

Mr. Behrend: Jim Alsobrook was the Town Manager through some very tough times. There are a lot of people who have served this Town in a lot of different ways, even name it the Wootton Park Facility or something like that although we have the Wootton...

Mr. King: We have a Wootton Tot Lot right now.

Mr. Behrend: That would be the one factor against it. Jamison's have done an awful lot for this Town and that could also have some political implications. I am not unaware of the politics behind it but Charlie Jamison did a lot, Charlie Elgin did a lot in this Town, did a lot of behind the doors, under the table things legal but agreements made that were done, I have a sidewalk representative of that, instead of 400 feet of asphalt that would have disappeared.

Mr. Carmack: Those are some of the other historical names that have been out there.

Mr. Yost: Iroquois Park should have been where the Lacrosse Field is going to be because didn't they play Lacrosse all the time.

Mr. Behrend: Iroquois Confederation but wasn't the Massanutzen as part of the Confederation because Iroquois is actually an illegitimate term it's the Iroquois Confederation (inaudible).

Mr. Yost: Lets see how many Indian tribes we can actually name and see if the transcriber can actually spell them.

Mr. McKenney: I got another one I can hardly pronounce I'm sure she won't be able to type it.

Mr. Behrend: Which one Massanutzen?

Mr. McKenney: No, no, no, it starts with an Sh it is not Saskatchewan or anything like that. So all right so we have real suggestions we have Dillingham, Iroquois, who else with individual names I mean I know we are throwing stuff out but...

Mr. Behrend: Alsobrook, Elgin.

Mr. McKenney: Lets up and down vote these for the consideration of yes or no.

Mr. Yost: Tom's park is named Elgin Park now.

Mr. Behrend: Ok take that one off the list then.

Mr. McKenney: So Alsobrook.

Mr. Behrend: Yeah Jim Alsobrook.

Mr. Pike: How bout Roy Johnson.

Mr. Behrend: I don't know if he served 10 years.

Mr. Yost: I don't recall if he did or not I don't think so.

Mr. McKenney: Johnson Park. Bear in mind the future this is going to be a major thing, major place, not being against Johnson and Johnson family I don't know that that, we need to come up with something that has a little bit of something to it.

Mr. King: Why couldn't we rename Wootton Tot Lot?

Mr. Yost: Technically isn't that Wootton Heights Tot Lot?

Mr. King: Yeah I think it is Wootton Heights Tot Lot.

Mr. Behrend: Susquehannock.

Mr. McKenney: All right so Iroquois, Dillingham, Alsobrook, what do you guys got?

Mr. McIntyre: I keep going back to Dillingham.

Mr. Carmack: I was just asking about Perkins and I couldn't remember what...

Mr. Behrend: Jake we did a field for Jake.

Mr. Yost: The Winchester Park.

Mr. Pike: What is Kettler using?

Mr. Yost: Elgin.

Mr. McKenney: Could name it for a Union General who was killed here and laid out somewhere.

Mr. Pike: What about the Selby's.

Mr. Behrend: He was killed in Balls Bluff.

Mr. McKenney: Yes what is that?

Mr. Pike: Selby's you said throw names out.

Mr. Behrend: We did talk about that last time the thought was since it is sitting right behind Selby's.

Mr. McIntyre: Would it be called whatever Skatepark like Selby Skatepark or Dillingham Skatepark?

Mr. Zachrel: It should be something that the person would actually enjoy having their name.

Mr. Behrend: Well you would ask them before you formally present.

Mr. Pike: Well Tom was on the Parks Board for 10 years.

Mr. Behrend: He helped found this Board.

Mr. Pike: Yeah he was on at least 10 years.

Mr. McKenney: And if we go with something or so and so Skatepark than you are probably going down the road where you are name each thing.

Mr. Zachrel: Yeah and I agree with the whole property and than maybe naming the building something.

Mr. Behrend: The building definitely is going to have a different name.

Mr. Zachrel: And Dillingham served the Town, Selby's have served this Town, I mean they are all good names.

Mr. McKenney: Well if we name the whole park do we want to name the Skatepark facility itself assuming that we are going to name the Rec Center building.

Mr. Zachrel: But the Skatepark is just like a basketball court, it's just like a tennis court, it's like a ball field.

Mr. McKenney: All right that is fine, there was your chance.

Mr. Zachrel: It just goes in line Zachrel Skatepark. I'm going to throw this name out, Deyo.

Mr. McKenney: Ok he had 10 years right.

Mr. Zachrel: Deyo just rhymes with just about anything.

Mr. Carmack: I do like that Deyo Drive we should reserve that.

Mr. Behrend: Have it Rodeo Drive with a space in between.

Mr. McKenney: Let the record show that Jim Brown has joined us and I had forgotten earlier Jeff McIntyre joined us shortly after the meeting had started. All right so.

Mr. Pike: How many names you have?

Mr. McKenney: 6.

Mr. Pike: Name them.

Mr. Brown: I didn't look at names so I'm not --- if you guys come up with it.

Mr. McKenney: Iroquois Park, Dillingham Park, Alsobrook Park, Selby Park, Wootton Park, and Deyo Park.

Mr. Carmack: Do we have a Dillingham Street?

Mr. Behrend: No.

Mr. Carmack: The only thing about Wootton is everybody knows where Wootton Avenue is, we got a Wootton everything.

Multiple Conversations Taking Place

Mr. Behrend: You don't want to get into a --- on Peachtree, Peachtree this and Peachtree that, with Wootton this and Wootton that.

Mr. McIntyre: Are we going to vote on that or what are we going to do.

Mr. McKenney: We have to get a motion before we vote on anything.

Mr. McIntyre: Just so I am clear you are saying that whatever it is its going to end in park, we are not naming the Skatepark you are naming the lot over there.

Mr. Behrend: We could name a recreation facility.

Mr. Yost: Did you say that Dillingham created the Parks Board?

Mr. Behrend: Well that was always his comment but you know Tom, in his mind yeah, I don't know exactly when it started but knowing Chris served on it 22 years I think it was, I would have to go back and actually check the records on that one.

Speaker: You've hit 20 years.

Mr. Behrend: Well I will be 20 at the end of this term, that was 93 I came on board, my term ends in 2013 and the Board existed obviously for some time before I came along because Chris was on it and she left 3 or 4 years I was into this and she had been on they were saying 18 or 20 years and he is right.

Mr. McKenney: Are there names that we don't want to further consider.

Mr. McIntyre: I think Dillingham that is a long name for a park, great for a street.

I don't know if we should be and again this is just my vibe should we really be considering it if it sends or what it might be shortened too or is it really respect for the person.

Mr. Behrend: Supposed to be respect for the person.

Multiple Conversations Taking Place

Mr. Yost: It should be for volunteer people who served in that capacity.

Mr. McIntyre: Well before we make any should we check with these people and see if they are in favor of it. I know his daughter asked.

Mr. McKenney: His daughter but I think we probably want to check with him.

Speaker: Maybe he is not a fan of the Skatepark.

Mr. McKenney: Yeah I don't know.

Mr. Behrend: That is what I say Deyo for the Skatepark would be kind of ironic.

Mr. Zachrel: Why is that Kurt.

Mr. Behrend: I don't know.

Mr. Pike: When do we have to have this done by?

Mr. McKenney: Well I think we want to try and do it relatively soon or at least let the Commissioners know we are actively narrowing a list down so that it doesn't, so somebody doesn't go lets name it, it hasn't been named yet.

Mr. Yost: Well can we at least narrow this down to like 3 because I'd hate to call these people and say we are considering your name is that ok and then not pick them.

Mr. McKenney: Right I agree.

Mr. Behrend: Well its not that lets just say we are going through our list of names and are you interested in having something named for you. That is a nice neutral statement and they may say no or they may ask what are you thinking about.

Mr. Pike: Aren't parks named first name too.

Mr. Behrend: Yeah that is actually the Larry M. Stevens Park and the Gene Halmos and the Lori Gore.

Mr. Yost: The sign has the initial I think right.

Mr. Pike: Lori Gore is spelled out Lori Gore.

Mr. McKenney: But I do think are you going to call them is that how this works or do I call them or what.

Mr. Yost: Bobbie will.

Mr. McKenney: Bobbie will ok.

Mr. Behrend: Although this is Whalen Commons.

Mr. McKenney: I would assume that we at least let the person know what we are considering it for because if they think it is a road or a street because they have got new developments going in and they don't realize both names have already been fixed and then suddenly find out...

Mr. McIntyre: Tell them what we are considering them for whatever Parcel 840...

Mr. McKenney: Which is going to have the Skatepark and the Municipal Building.

Mr. McIntyre: Whatever x, y, z give them a reason maybe they will shoot back no I don't want to be part of Parcel 840 or I would rather have a street named for me.

Mr. McKenney: See my choice you wouldn't have to call anybody.

Multiple Conversations Taking Place

Mr. McKenney: Iroquois those are Indians. And the fact that the County stole it from our water tower.

Mr. Behrend: The one thing I would like us to keep in mind is when we are doing parks is people who have had an effect on the parks or recreation in this Town I mean we can others have done it in a number of ways, don't have to follow it but I think we ought to consider it.

Mr. Pike: What about Fred Swick the Coach at the High School for 30 some years. I threw a name out there what is wrong with your face.

Mr. Yost: No for the record. I don't vote.

Mr. Behrend: I don't even know who he is.

Mr. Pike: He has lived in Town since the 70's he has done a lot, he could be a name on the list.

Mr. Brown: I wouldn't be opposed to that at all but he is a friend of mine so...

Mr. Pike: I like Fred he is a good guy.

Mr. Brown: He is a long time Poolesville High School Coach, basketball coaching, well regarded...

Mr. Pike: Football.

Mr. Yost: Weren't they going to name the football field after him or something, there was talk about it because they didn't want to name Perkins after in Perkins Field they wanted to use his name.

Mr. Behrend: I'd prefer to see County employees recognized by County facilities.

Mr. McKenney: All right so I am assuming we are taking Iroquois off the list since everybody kind of yeah Deyo on or off.

Mr. Behrend: Off.

Mr. McKenney: He is not going to take it personal I am sure. He understands how this works he has been through it numerous times if he even hears about it. Wootton on or off?

Mr. McIntyre: On.

Mr. McKenney: We don't have enough stuff named Wootton already, Wootton Heights, Wootton Street, that is my view on Wootton I mean I think we got a couple things already.

Mr. King: Wootton Park Complex that just rolls.

Mr. Yost: How bout Prince George's County Complex.

Mr. McKenney: Raise of hands in favor of it staying on, 1, 2, 3, 1, 2, 3, 4.

Mr. Pike: How do you know they are going to vote yes or no.

Mr. McKenney: It's a straw vote whether to keep it on the list or not.

Mr. Pike: Well what if they abstain what if they don't vote.

Mr. McKenney: Dillingham on or off?

Mr. Behrend: On.

Mr. McKenney: On all right. Alsobrook on or off?

Mr. Behrend: Off.

Mr. McKenney: All right there is 4 off. Selby on or off.

Mr. McIntyre: Off.

Mr. Behrend: On.

Mr. Pike: For the same reason Fred Swick isn't on because he really hasn't served the Town.

Mr. Behrend: And there is a Selby Avenue.

Mr. McKenney: So what we have done other than saying we put a couple more back on to have three and that is easy enough to do, we have narrowed it down to Dillingham is what it comes down to as far as, we can still make the call and still say we are considering people, you are one of 7 suggestions are you interested.

Mr. Brown: How about Hoewing after Ray.

Mr. Pike: Did he ever serve the Town?

Mr. Brown: He served the Town in a lot of ways. Is serving the town volunteering for the Town or is serving the Town providing information, providing Newspapers, WUMCO.

Mr. Pike: You know I like it Hoewing yeah.

Mr. Zachrel: And I kind of like it too.

Mr. McKenney: So Ray L. Hoewing right.

Mr. Yost: That has a ring to it, Potemra Park.

Mr. McKenney: Stan Janet he served the Town well.

Multiple Conversations Taking Place

Mr. McKenney: Did you mail him his own personal copy yet?

Mr. Brown: No I did not that is coming.

Mr. Behrend: He needs it.

Mr. Brown: He's on my email list. He'll just add zero's, his own markup. So what did you think about Hoewing, Ray is...

Mr. Behrend: The one concern and I understand your argument, the one concern I would have is with the son sitting on the Commission somebody you know going on favoritism and all...

Mr. Zachrel: Doesn't mean we don't nominate him.

Mr. Behrend: Understand keep it in the --- of our thinking as we are looking at it. Ray has done a lot for the town.

Mr. Brown: There will come a time when something in this Town should be named after him, I hope it is while he is still alive. If not this than something should...

Mr. Behrend: Ray has done a lot.

Mr. Brown: You can't really go too far into too many things in the Town that Ray has not made a voluntary contribution toward it.

Mr. Pike: His family lives here.

Mr. McKenney: Well that is a criteria.

Mr. Pike: He is popular here.

Mr. McKenney: All right so by default we have 2 that are sitting here.

Mr. Pike: Does he live in the Town?

Mr. Behrend: No Ray lives outside of Town.

Mr. Brown: He doesn't have to live in the Town that is not a criteria.

Mr. Behrend: No however it is one of the considerations in the process.

Mr. Carmack: What happened to Swick, did Swick not...

Mr. Pike: Are you pro Swick?

Mr. Carmack: Or you think that the High School will be picking something.

Mr. Brown: I mean I would be in favor of putting it on it because I know in terms of what he has done both at the High School as well as just you know I have known him for 10 years but (inaudible) but all these guys step up and want to help out but that I know I want the whole Board to want that, not Wade but everybody else's vote.

Mr. Yost: I don't matter.

Mr. McIntyre: What if you guys feel weird being alive and having something named after you.

Mr. Behrend: As long as it wasn't carved in Memorial Park. Larry Stevens was alive when we named the park for him and he was quite honored, Gene Halmos was, Lori Gore, Mr. Whalen.

Multiple Conversations Taking Place

Mr. Carmack: Are we looking to get down to one name or are we making a recommendation of a couple names and then somebody else picks them.

Mr. McKenney: No I think that we can go with 2 or 3 names right now to find out who is willing to be considered as a final name, then we can choose our final name and make that recommendation to the Commissioners, we don't have to give them a series.

Mr. Behrend: We can also recommend to the Commissioners that we are considering names and ask for input from the Town because we have done that before we've asked for people to input names. You may get some you may not. There may be people we are not thinking of.

Mr. McIntyre: What else is going to have to be named.

Mr. Behrend: Not much left.

Mr. Carmack: The Band Shell.

Mr. Pike: The Dog Park.

Mr. Yost: The Rec Center itself will probably have a name. So you will get your name in there somewhere.

Mr. Behrend: There are more streets to come to the couple of developments we've looked at by the horse field yours whenever you come in.

Mr. Brown: I'm fine with those 2 names (inaudible) he has made a lifetime commitment to this Town and I can't tell you how many kids have had Swick in their life (inaudible) a whole body of work in terms of volunteer as well as possibly touched the lives of people that he taught or coached. If this isn't appropriate that is why I am asking there are other parks or other situations that still need to be named and --- pass on Fred on this one I mean he is going to be around for awhile I would rather look at Hoewing and Dillingham on this one.

Mr. Behrend: Right now our list is rather short and our possible future list is not that long either. Now if you guys want to go out and annex some land that is a whole other issue we are not getting into.

Mr. Brown: So our list right now would you say it stands with Hoewing and Dillingham.

Mr. McKenney: Yeah I would say yeah.

Mr. Behrend: Open it up and see if people in the Town have suggestions too.

Mr. Brown: Yeah the criteria is going to be tough I could put it out there but I think...

Mr. Behrend: We did that for Whalen.

Mr. McKenney: When is the next Straight Talk going out?

Mr. Yost: January.

Mr. McKenney: January.

Mr. Yost: Mid January it will go out.

Mr. Behrend: Jim has got a big email list.

Mr. McKenney: Well that is true yeah.

Mr. Brown: I could --- with that or simultaneously mine is athletically oriented.

Mr. Yost: Well the criteria would be they had to at least serve the Town 10 years.

Mr. McKenney: I was thinking if it was earlier it would have been good in Straight Talk the Parks Board is considering names for...

Mr. Yost: I can add it on the website.

Mr. Behrend: That works.

Mr. McKenney: The criteria are boom, boom, boom.

Mr. McIntyre: When you say serve is that officially serve or someone like Ray who...

Mr. Yost: Volunteer or serve.

Mr. Brown: And he has --- he hasn't been on a Committee per se but I mean Poolesville Day, WUMCO.

Mr. Behrend: Chamber of Commerce.

Mr. McKenney: Say serve the Town or made a significant contribution to the welfare of Poolesville and its residents or something like that.

Mr. Pike: I don't think we should do it, I think we are going to get a lot of people that are going to be upset if we don't pick this one or that one.

Mr. Brown: And I'll get the funny ones back I'm sure.

Mr. Behrend: Like Potemra Park.

Mr. McKenney: Its up to you guys.

Mr. Behrend: I mean I don't know make the recommendation we've got those 2 to talk about first.

Mr. Brown: I like them both I can wait for Swick later on.

Mr. McKenney: All right so it sounds like even though we talked about a few other things it sounds like we are more leaning toward contact Dillingham and Ray and see if they are amenable to being considered for a use, I won't say what just yet, not that they can't figure it out.

Mr. Carmack: Wade did you have any other suggestions?

Mr. Yost: Not really Bobbie and I we just took straight down what if people had served as official capacity in the government.

Mr. Pike: Nancy.

Mr. Behrend: Fost, she had some issues.

Mr. Brown: And one thing I noticed on the record book but we should consider something for Bobbie Evans too. I mean she has been a paid employee but she has been of stalwart.

Mr. Yost: 25, 26 years.

Mr. King: Involved in PAA for a long time too.

Mr. Yost: UMAC.

Mr. Brown: She is unofficially the Town's historian to some degree too of that generation so just something to think about.

Mr. Behrend: Good name to throw out although I say again currently serving.

Mr. McKenney: All right so Wade you will let us know.

Mr. Yost: Yes I will.

Mr. McKenney: Ok Park Rules and Regs I printed out color copies for people to see what we are doing. This should reflect the changes we made. I printed it out I thought. There should be 8 copies here guys somebody.

Mr. Yost: There is 9 of us.

Mr. McKenney: 7 and you, you guys.

Mr. Yost: There is 2 of us.

Mr. Behrend: 7 and 2 of them.

Mr. McKenney: I can share with Butch whatever.

Mr. Behrend: We are good let's roll guys.

Mr. McKenney: So it should reflect most of the changes and conversations we had if you page through it we made small changes till we get to where we talk about some of the Skatepark rules and ideas. Wade have you seen this before yet or no?

Mr. Yost: No.

Mr. McKenney: I will try and summarize some of the stuff. In Section 1 you talk about continuous activity beyond 10 pm except by special permission of the Town Manager or

authorized designee because somewhere in here we talked about somebody other than you.

Mr. Yost: Probably Preston would be the one between the 2 of us.

Mr. McKenney: But that gives you the flexibility to say who it is as your authorized designee and even if you are not there and Preston he, he just knows he's got your authorization.

Mr. Behrend: Sounds like Section B goes away with what you are saying because we don't review or approve it anymore.

Mr. McKenney: Section B.

Mr. Behrend: Park Facility and Activity Permits.

Mr. Yost: Oh he is on Hours of Operation on section 1 still I think.

Mr. McKenney: And then Section 2.

Mr. Yost: On Section 1C back up for a second, you want to add where it has a list of parks, Elgin and Perkins, on 1C, you had them all listed just about.

Mr. McKenney: Well we don't need to because e.g. is an example given, so you don't have to do all of them, so we are ok, its i.e. is the other one that would have been. Section 2 ok.

Mr. Yost: Yep.

Mr. McKenney: Section 3.

Mr. Behrend: That is where Section B probably goes away from what you were saying, if we are now a review for permits and all permits are issued by the Town Manager or his designee. Grievances of permits shall be reviewed by the Parks Board so that changes.

Mr. McKenney: All right so I got to look at that.

Mr. Behrend: It shall be reviewed and approved by the Town Manager or his authorized designee.

Mr. McKenney: So B comes out, A gets modified, C gets modified, by the way is it until the Charter changes I guess it is not official that we are an appeals body.

Mr. Yost: You are right and the Charter has to hang on the wall 45 days so we will actually probably end up going through the process here anyway.

Mr. McKenney: Right so it may make sense to make these small changes, leave these the way they are, wait for the Charter to get changed and then come back and modify these, so we will do that, by the way for future meetings we got to think probably about what is our appeal process going to be because it will be a appellent board but nobody went the next step to say how so keep that in mind. All right that being said Section 3 we are ok with.

Mr. Behrend: Yep.

Mr. McKenney: Section 4 a belt and suspenders, the Town of Poolesville is not responsible for lost or stolen articles. I think it is assumed but now we say it. Chapter 3, Section 3 I think somebody added parking areas, I think before that we had paved or gravel roadways provided for this purpose and I took out Town Clerk because we never defined Town Clerk, we defined you Town Manager but Town Clerk was never defined.

Mr. Behrend: Authorized designee covers.

Mr. McKenney: Exactly which is why we went that way. I had nothing in Section 5 or 6. Chapter 4 lets see Employees interference with duties, may not interfere with any town employee or town official.

Mr. Yost: What does that mean?

Mr. Behrend: It means if I catch somebody causing a problem in the park or lighting fireworks I can grab him collar and say you are going to sit here until the Town Manager shows up or I can ask him what they are doing.

Mr. Zachrel: That is a lawsuit waiting to happen.

Mr. Behrend: I can say as a Town Official you can't, that is within my duties as a member of the Parks Board maintaining the parks.

Mr. Yost: But it's not really.

Mr. Behrend: I can't say wait right here I got questions for you.

Mr. Yost: As a citizen but maybe not as a Parks Board, Town Official that capacity, that is kind of...

Mr. Pike: So if you do that and I decide not to...

Mr. Behrend: Then I just plug you over the head. The idea was if any you know you are sitting in front...

Mr. Yost: Well like before when you got those kids that caught the sign on fire and I came up there and everything.

Mr. Behrend: Right.

Mr. Zachrel: Yeah that is more of a citizen thing.

Mr. Yost: But I just wondered when I read that, when I saw this on the one you did previously and it just kind of struck me as I don't know.

Mr. Behrend: I mean Commissioners as well or whatever.

Mr. Yost: Yeah I know and I don't think they would, they shouldn't fall in that capacity either I mean I was thinking all the way across the board. It is just something we need to think about.

Mr. McIntyre: One thing we talked about a couple years ago was when we had a problem with the parking lot use and where we agreed as a Body that we were allowed to walk because we had given permits I guess to the teams and we could stop a game immediately if we found somebody parked on Hughes and they would not nicely, if they gave us a hard time (inaudible).

Mr. Behrend: And that was part of the thinking.

Mr. McKenney: We can call Jim now once the Charter gets changed, call Jim and tell him to...

Mr. Yost: No because he knows my phone number too.

Mr. McKenney: He will just call you.

Mr. Zachrel: I don't know if I am comfortable with a volunteer being designated as a Town Official.

Mr. Behrend: You are.

Mr. Zachrel: With basically what amounts to enforcement.

Mr. Yost: And that was my point I mean I understand what you are saying.

Mr. Behrend: It is not law enforcement straight off it is not law enforcement.

Mr. Zachrel: But you are enforcing a rule, I mean it is not law enforcement in the technical legalese that we are always looking for but for a volunteer to be able to say I have the authority to stop a citizen from doing whatever that citizen is doing, you know I A) see all sorts of possible abuse in that, I see a very authoritative authoritarian type attitude with that and you can simply just like any other citizens pick up the phone and place a call because that is really all that you are able to do now.

Mr. Behrend: There have been many examples where we have taken skaters, inline skaters off of the tennis courts.

Mr. Zachrel: Like any other citizen can do.

Mr. Behrend: No the answer is then what do you have to say about it, well I am a member of the Parks Board and we control and maintain these and here is where the authority (inaudible).

Speaker: I flashed a badge.

Mr. Behrend: It does give you a level of authority of no you are not just the average busy body its you've got a reason that you are trying to protect the parks.

Mr. Zachrel: I'm a volunteer. I am not a Town Official, nobody has elected me to a position to tell any citizen anything.

Mr. Behrend: If that is the way you want to do it.

Mr. Zachrel: And if we sit here we can make a recommendation you leave the tennis court just like any other citizen could do, we are volunteers, we make recommendations, I don't think that gives us the authority to tell any other citizen what they should or should not be doing when they are breaking the rules.

Mr. Behrend: With respect to the park rules I respectfully disagree with you Butch.

Mr. Zachrel: Yeah then you do. I don't think that a volunteer has any type of authority over any other citizen here.

Mr. McKenney: I can't tell you what it has been able but the comment that "I am on the Parks Board and we authorized the permit and I will pull the permit unless blah, blah, blah" has been an affective comment and discussion with respect to people parking on the road and chewing up the areas where we don't have curb and gutter we park on the dirt and the mud and so forth and so on and it has been a hazard at the intersection of Tom Fox and Hughes particularly.

Mr. Behrend: And it's a safety issue with kids.

Mr. McKenney: I have gotten and others have gotten people say all right fine we'll move our cars. Prior to saying we authorize the permit I kind of got a different reaction but I didn't do anything more than saying we can pull the permit, those are the rules, you agreed to these rules and these procedures when you permitted, when you submitted the permit and when you accepted it, you are not following what you are supposed to do.

Mr. Zachrel: But when you say we, what you really mean is I.

Mr. Brown: How bout this, why wouldn't it work this way though, if you are in that position why wouldn't you just say you are in violation of, I'm a Parks Board Official, you are in violation of your agreement and if you don't, I'm asking you to remove your or do whatever you are supposed to do or I will have to contact the Town Manager who will potentially pull the permit.

Mr. McKenney: Effectively that is what I have said I mean the only difference may be that I would have said we meaning the Board because yes if they don't move I'm not going to go get anybody, I am not going to call, I may have to call Wade, but rest assured I will come back to this Board the next meeting and say hey listen this happened, I recommend and told this person we are going to pull the permit, you guys outvote me whatever as an individual you guys can do that but...

Mr. Zachrel: But designating us as Town Officials I think I have to disagree with that because I don't think that I as a volunteer am a Town Official.

Mr. Brown: I think as a Town as a volunteer you would have the right to approach somebody but you would also your official empowerment ends there with a phone call to the...

Mr. Zachrel: Basically, stop or I'll say stop back.

Mr. Brown: A paid employee to deal with it, whoever is on call, whoever is on duty, whoever you have a number for that would be it. I wouldn't want to try to ever tell somebody that I'm a Town Commissioner so boo. Because I expect them to --- in my hat.

Mr. McIntyre: Can we talk about Section 7 here where it says Town Official? Just the whole fact of us stating we have jumped ahead I think or we have jumped way out of this, that whole section when acting or whatever acting in the course of his or her official duties, they are saying somebody is not going to interrupt Preston when they are out doing whatever, doing the snow or the grass or whatever.

Mr. Yost: Which one are you looking at?

Mr. Zachrel: He is looking at Section 7.

Mr. McIntyre: All of a sudden we jumped out saying that we are now police officers that is putting a Town Official in the (inaudible) to police officers.

Mr. Yost: I was looking at more B rather than Section 7 or 10, which says the same thing.

Mr. McKenney: Which one?

Mr. Yost: Section 11 B.

Mr. Behrend: You can strike it there.

Mr. Yost: That is the one I was picking up on.

Mr. McKenney: Ok strike that.

Mr. Yost: Oh no Section 7 you are exactly correct.

Mr. McKenney: Hang on that is different issues.

Mr. Yost: Well I don't know I wanted to bring it up because I didn't understand really what was the intent there.

Mr. McKenney: Well no we don't define Town Official either, maybe we don't use it as a defined term, maybe we put a lower case.

Mr. Yost: But I couldn't see any of the, Jerry is the only one that I've seen go into a park and actually make people move their vehicles, otherwise the other ones just call me.

Mr. Behrend: I tell you on several occasions it has been done along Hughes Road of hey you got to move these cars it's a safety issue for the kids darting between, you can --- but Coach I'm going to tell you the permit is going to be pulled.

Multiple Conversations Taking Place

Mr. Behrend: Sorry Cathy but yeah I have had people start getting right in your face like you have no right to pull this permit but yeah I do, as a member of this Body I have the right to make the recommendation that that permit be pulled immediately, and we have decided that as a Body, as we've issued these permits before.

Mr. Yost: Well I think that is actually written on the permits.

Mr. Behrend: Yes it is and that is acting as a Town Official in your duties, whether you wish to exercise that right or not Butch that is up to you, fortunately we haven't had to exercise that in a while.

Mr. Zachrel: Yeah because then we are not saying we anymore. Wade what is your take on this?

Mr. Yost: The Hughes Road I don't mind that but I still don't think you would be acting as a quasi Town Official format because you've said yes I can make a recommendation that if you don't move your cars then you get your permit pulled. But otherwise I was thinking beyond that I was thinking some kids was writing on the tennis courts and you go up there yeah so what I am not going to do anything, what are you going to do, you can't physically make him leave.

Mr. Zachrel: And I can't see physically stopping the game.

Mr. Yost: I see that as difficult also.

Mr. Zachrel: Very difficult because (inaudible) and the Town that if a confrontation develops because of that, in which a confrontation most likely will develop because of that, where does it go from there, now because that gives a volunteer as of myself basically the ability of enforcement, and enforcement by de facto is almost a law enforcement thing, so as I've agreed we can say "the next time that your permit comes up"...

Mr. Behrend: No actually it is not, it is written into the permits specifically in that it is written in that...

Mr. Zachrel: That I can stop a game?

Mr. Behrend: No it is written in that at the next Board Meeting or even without that that I can pull the permits.

Mr. Zachrel: You are right at the next Board Meeting.

Mr. Behrend: Pick up the phone and say Wade pull the permit.

Mr. Zachrel: We can pick up the phone but we can't physically stop that game.

Mr. Yost: I wasn't even thinking about that particular, how bout at the Skatepark and some kid doesn't have his elbow pads on are you going to walk in there and say you are out of here or whatever.

Mr. McKenney: Well the BMX bike I mean I know that is near and dear to your heart with respect to (inaudible).

Mr. Zachrel: (Inaudible) level as do I have as a volunteer...

Mr. Pike: Or do you want to?

Mr. Zachrel: Whether I want to or not because obviously some people do, do I have the right to enforce Town regulations or enforce Town law, I am a volunteer, nobody has trained me, nobody has designated that even if they have, I think it is a mistake I am not a law enforcement officer, I am not a Town employee, I have no responsibility to tell any other citizen what to do, and if you want that right it should be designated specifically to an individual not to a Board in general by the Commissioners and it is that simple, whether it is the Skatepark, whether its tennis courts, whether its baseball, it says Butch Zachrel by vote of the Commissioners has authority to do this, not as a volunteer, I think we are taking volunteerism well beyond the boundaries when we are talking about enforcement.

Mr. Yost: Well just to end this conversation we can definitely get a legal opinion on it because I don't think technically, legally you can do this, that is my concern.

Mr. McKenney: Ok.

Mr. Behrend: Ok let's move along.

Mr. McKenney: It also sounds like what part or section, section 7 we should probably strike it too.

Mr. Yost: Well no Section 7 makes sense, if you are out there, I don't know why we have it in there though, if you are --- walk and someone comes up and I don't know what they would do but...

Mr. Zachrel: If Preston is cutting the grass and you are sitting there and you are not going to move that is a Town Official.

Mr. Behrend: No Town employee.

Mr. Yost: See I don't what these...

Mr. McKenney: All right 13, Section 13 added but not limited to air soft guns which is going to be a probably a new type BB gun that wasn't around the last time these were drafted.

Multiple Conversations Taking Place

Mr. Behrend: 3 inches is where you get the police start looking at you. And we can't enforce the lower, try to have a police enforcement lower limit here. I can do damage with an Exacta knife yes.

Mr. Pike: Why do you want to put it in there?

Mr. Behrend: Because...

Mr. Pike: County Regs.

Mr. Behrend: A pocket knife. Pocketknives are (inaudible) it's the same thing that is why you don't have over a 3-inch blade because most jurisdictions that is the legal limit and we just absorbed County regs there.

Mr. McKenney: Ok Chapter 5...

Mr. Pike: What about tobacco we talked about that?

Mr. McKenney: I didn't forget about it, was that the section that we needed to talk about it in, I wasn't sure that is where it was. Is that the section, you are right it is that section, Chapter 4 Activities prohibited on park property, one of the things we put in I think once we get there as a rule with respect to the Skatepark was no tobacco products, what we realized or Tim realized is we don't have that on the other, on the rest of the parks, so if we are going to do it for one we need to do it for all.

Mr. King: In Montgomery County that is how they do it for all the parks, all the schools is tobacco products, that means dip, smoking, and chewing there is none allowed on any of the parks.

Mr. McKenney: So somewhere in here I will go back and add...

Mr. Carmack: Does it say it in other Montgomery County does it say it at the park?

Mr. King: It is posted.

Mr. Carmack: Because otherwise you wouldn't know.

Mr. King: You wouldn't know but they are posted at the facilities.

Mr. McKenney: And I think we talked about putting it on the sign too didn't we Jim?

Mr. Behrend: Yes we did.

Mr. McKenney: All right so I will to this section I will add no tobacco products right. Do we and I will incorporate somewhere else we did something with drugs or whatever so I will incorporate that in there too, no tobacco products or drugs.

Mr. Yost: Oh now you got Butch's attention.

Mr. Zachrel: Next you're going to ban alcohol.

Mr. Behrend: Already did.

Mr. Pike: (Inaudible) of animals how long has that been in there.

Mr. Behrend: What's that?

Mr. Pike: Raising of animals.

Mr. Behrend: From the get go.

Mr. Brown: Hey you ought to see what is in the Charter.

Mr. Behrend: There is all sorts of things in there.

Mr. McKenney: Chapter 5 this we'll need to come back to. The following activities are prohibited upon park property except by prior written request and approval by the Parks Board. Primary reason we talked about or were thinking about doing the primary written request is this idea that we may need to get an exception if the Town holds a Chili and Microbrewery or Microbrew tasting thing at Whalen's Park, right now the way everything reads can't happen because we don't even have an exception process so if we put this in that allows the opportunity to have somebody come and say can we get an exception to this rule because...

Mr. Pike: Where is that?

Mr. McKenney: Chapter 5.

Mr. Yost: You know that language isn't going to work too well I think they submit an application and have a recommendation from the Parks Board and approval from the Commissioners is probably what this is going to turn into.

Mr. McKenney: Yeah cuz I thought what if we approve it and you guys deny it we are still drinking out there.

Mr. Behrend: The approval is based on us approving permits. But this is something that goes into policy within the parks.

Mr. Yost: It should come to you and I am not going to sign off on that the Commissioners should.

Multiple Conversations Taking Place

Mr. Behrend: Essentially such a policy should come to us. Exception to any rule or regulation or policy has to be approved by the Parks Board, approved by the Parks Board and sent to the Commissioners.

Mr. McKenney: Well my thought was by a written request or approval applies to all of these things.

Mr. Yost: No I think you should lump it together but they should request a recommendation for approval from the Parks Board and the Commissioners will actually have to grant the approval.

Mr. McKenney: Ok so except by prior written request and...

Mr. Behrend: Request of the Parks Board and approval by the Commissioners.

Mr. McKenney: Yeah written request, written request recommendation by the Parks Board and approval by Commissioners.

Mr. Behrend: I mean the Commissioners can decide to overthrow our recommendation.

Mr. McKenney: Ok all right nothing else there, solicitation has authorized designee again that is scattered throughout. This actually gets to I think Section 4 we are actually ahead of the curve on this one. Granting a permit, if an application is denied the applicant shall be furnished a written statement indicating the reason for such denial, applicant for any such permit whose application is denied may appeal such denial to the Town Board or Zoning of Appeals, that is actually going to come to us now.

Mr. Yost: Yes.

Mr. McKenney: Well once the Charter changes it will come to us so again we will leave it until the Charter changes and then go back in and fix it.

Mr. Yost: Right and I don't think the Board of Zoning Appeals would actually hear a...

Mr. McKenney: A park permit. This was pulled from another number somewhere and just tweaked.

Mr. Behrend: Yeah that was the legal opinion at the time when we first put that in there was they are the only appeals body we had so that is where it goes.

Mr. McKenney: Right so we have to remember to look at this after the Charter changes. All right next I mean we will make that change until reasons for denial F, permits may be withdrawn for failure to comply with Town rules and regulations including failure to follow parking regulations, which seems to be the most often thing that is violated.

Mr. Yost: For permits right.

Mr. McKenney: Right, right. Athletics, person holding a permit for use of activity at field or facility, that was added for a couple of reasons, one Skatepark is not an athletic field so it's a facility so we need to make sure we capture that and presumably whatever else gets built over on 840 some day that will fall under that.

Mr. Brown: The Band shell.

Mr. McKenney: Yes, yes exactly. Added ATV's, Parks Board Town Manager down under special events.

Mr. Behrend: Do we need to go back and re-title Section 1 of facilities instead of athletics?

Mr. Brown: That wouldn't hurt.

Mr. Behrend: Chapter 6, Section 1 it says athletics.

Mr. Yost: Well yeah but people would apply for permits just for the pavilions too.

Mr. McKenney: Right so we just change that to facilities or you want park facilities.

Mr. Behrend: I think park facilities that works since this is park rules.

Mr. McKenney: Ok park facilities I add that change that ok.

Mr. Behrend: You can ask for a permit to use Town Hall they don't talk to us they talk to Wade.

Mr. McKenney: Section 7 are specific rules to the Skatepark and...

Mr. Carmack: Can I ask a question about E?

Mr. McKenney: E personal music devices are prohibited, Jim you had a, Section 7 well lets go down one at a time because a lot of you guys hadn't seen these till just now maybe. And just for everybody's benefit who wasn't here, this started simply by me pulling and cutting and pasting rules from other nearby Skateparks, there is no pride in authorship and there is no alternative objective here it was simply pulled out and I dumped it in and we started hashing them up and moving them around.

Mr. Zachrel: I have a question with B less than 6 years old.

Mr. McKenney: Lets just go right down, so hours open at 8 am and close at sundown, which I think is consistent with all our other parks right.

Mr. King: We've never had an open time.

Mr. Pike: We talked about not opening during school.

Mr. Behrend: Yeah actually we have.

Mr. Zachrel: We have a lot of people not only kids that are not in school.

Multiple Conversations Taking Place

Mr. McKenney: Cathy is going to get messed up hang on, one at a time.

Mr. Behrend: She's going to come in here and kick us.

Mr. McKenney: Yes she is.

Mr. Zachrel: I agree with being consistent with the other parks 8 am to sundown.

Mr. Brown: Do the other park rules say that we close the parks at...

Mr. Behrend: Close them at dusk or close them at sundown.

Mr. McKenney: Chapter 2, Section 1, Hours of Operation, Town parks which have lights shall open at 8 am, dah, dah, dah, dah, so we do talk about opening, for those parks that have lights we can open them up at 8 in the morning, so we actually do have...

Mr. Behrend: Subsection C there neighborhood and unlighted parks open at 8 am and close at sundown.

Mr. McKenney: Ok there it is.

Mr. Behrend: The other one is the lighted ones close at 10 pm.

Mr. McKenney: So in that instance we are simply being consistent.

Mr. Pike: How bout or at the discretion of Town employees what if we close early for some reason.

Mr. McKenney: I think there is an overriding rule somewhere in there for all of that, it gives the discretion to close the park if you need to right.

Mr. Yost: Normally we do if there is like snow or ice.

Mr. King: It is normally done for weather.

Mr. McKenney: Any town or park may be closed to the public entirely or for certain uses by the Town Manager or authorized designee either temporarily or at regular intervals, such closing shall be posted for public notice.

Mr. McKenney: You want a public notice if you got to close the park.

Mr. Yost: Public notice could just be a sign on the bulletin board.

Mr. McKenney: Right ok so there is your discretion to close it if you need to because ice or whatever. All right using the Skatepark is subject to the following rules. Children under the age of 10 must be accompanied by an adult.

Mr. Zachrel: Yeah that is actually pretty consistent, its b less than 6 years old, I mean we have kids 5, 6 I know definitely 5 years and up skating at Skateparks. I just don't understand why we have a less than 6 years in a Skatepark except during the scheduled times for that age group.

Mr. Pike: How bout if we say 5 then?

Mr. McKenney: The genesis of that one I think was it was definitely another park and that was taken out exactly as it was and that park had specific times or something or events for younger kids I think but this was a standing rule which is why it says except during activities scheduled for that age group.

Mr. Zachrel: I mean I would just drop it here that is all.

Mr. McKenney: Children less than 5.

Mr. Carmack: But the point is that you don't want a 5 year old or less to skateboard.

Mr. Zachrel: Its not that you don't want them to skateboard.

Mr. Behrend: Yeah that is not the intent at all.

Mr. Zachrel: I think the intent is that you don't want them maybe skating with a lot of the older skaters, you know things moving around quick. I have seen this in Frederick because really what it looks like here just kind of generally is we took basically rules from here and if this one had a rule that this one didn't have or we added that and we added that.

Mr. McKenney: And it was done deliberately to choose from and cut out.

Mr. Zachrel: Personally I don't see why we have an age limitation in there at all. I mean because really age 1, 2, and 3 they are barely walking.

Mr. Yost: Well let me ask you this if we offer, if we say that and a person is going to call me and say well when do we schedule activities for that age group, I am going to get that call.

Mr. Behrend: They want fall permits just take the Skatepark and have an event for 5 year old skaters, that is when it gets scheduled.

Mr. Yost: Ok.

Mr. Behrend: It doesn't mean we have to regularly schedule it.

Mr. Zachrel: I see it as an age being an age --- issue.

Mr. Behrend: Well at some point you have to put it for safety things that no this age should not be doing this activity.

Mr. Zachrel: Now we got to tell them what age they can skate and what age they can't.

Mr. King: I'm just saying almost all of our park equipment especially the newer ones they are actually age appropriate signs on it.

Mr. Behrend: That was part of our discussion.

Mr. King: So the skateboard park should probably have age appropriate signage on it, that way you won't get a 3 year old or you won't get a 4 year old intermixing because on the playgrounds there is actually designated areas for younger, they split it up, and a skateboard park I don't think is set up to age groups if I am not mistaken now, their skill level is kind of all over and I think we need something designated a minimum age just for safety just to protect ourselves too because how come you let a 3 year old and a 16 year old fly up a hill.

Mr. Brown: Lets say 5 and only because we have I run a basketball camp that I have unbelievably athletic 5 year olds that can do lots of things and I think that we have to safeguard a place with the parents that are going to be required to be with them and their parents hopefully will show good judgment if there is older faster kids that they will be either off to the side, there is going to be little nooks and cranny's inside the park where these kids can do stuff, make it 5.

Mr. Zachrel: And I see a lot of 5 year olds, tell you the truth I haven't seen a lot of 4, 3, 2, 1's but I do see 5.

Mr. Behrend: The whole argument was age appropriate and looking at safety, it wasn't trying to prohibit.

Mr. Carmack: Would you just make it the same verbiage as the one above, just say children under the age of 5 are not permitted.

Mr. McKenney: Yeah good point.

Mr. Behrend: Yeah instead of children less than 6 its children less than 5.

Mr. McKenney: Obviously you can see I pulled these from 2 different sources. Ok C all skaters must wear protective including strapped helmet, elbow, wrist guards, dah, dah, dah, sandals and open toed shoes, I can't imagine why anybody would want to wear sandals but and this too was a straight cut and paste.

Mr. Zachrel: And all the Skatepark rules that I have seen and I have pulled ones from every one I could find in the State of Maryland only one required wrist guards and that was the unmanned park in Rockville.

Mr. McKenney: That may have been where this came from because I know I pulled stuff from Rockville.

Mr. Zachrel: So the only thing there is I would take out wrist guards.

Mr. Behrend: As we state right now this is an unmanned park.

Mr. Yost: You know I think it doesn't hurt to have it in there that you are required to wear it, if someone chooses not to follow the rules, they still skate and hurt themselves, it may not be so bad just to have it on the record, keep them out of the park for not having it on.

Mr. Zachrel: Well wrist guards is one of those things where a lot of the skaters already have a lot of this equipment, again wrist guards every jurisdiction in the State of Maryland with the exception of one recommends it, doesn't require it.

Mr. Behrend: But you can either recommend it or require it, I think what Wade is pointing at is if somebody goes and is stupid and don't wear it and they break their wrist, mom and dad come and sue the Town because you didn't require him to wear a wrist guard.

Mr. Zachrel: Every jurisdiction in the State of Maryland except for one, I recommend we take wrist guards out because they are not going to have them and what you are doing is saying that...

Mr. McKenney: Bear in mind I don't know who is actually going to ever enforce these so you have that flip side too.

Mr. Behrend: It is there and if you want to make it a recommendation versus required fine, its there as a cover your legal tails.

Mr. Zachrel: Right and that is why they say they recommend it versus require it.

Mr. Brown: Why don't you just say that, why don't we just say must wear equipment including strapped helmet, elbow pads, and knee pads, wrist guards are recommended as well.

Mr. Behrend: No problem drive on.

Mr. McKenney: Must wear shoes.

Mr. Zachrel: That helps me out, my kid doesn't like wearing shoes skateboarding.

Mr. McKenney: Well no I agree now again I am assuming there was a reason why I think it was Rockville put this in.

Mr. Zachrel: I know St. Mary's specifically put it in because my kid wasn't wearing shoes.

Mr. McKenney: So what am I doing with the sandals and open toed shoes are prohibited, I mean are we leaving that are we striking it, are we saying must wear shoes, then you get into this well what about an open toed shoe so I don't know.

Mr. Yost: No that is good.

Mr. McKenney: Leave it got ya. At all times and then that will be a second sentence, ok sandals got ya. E to Kevin personal music devices are prohibited, Jim I think you talked to us about this right.

Mr. Brown: The only thing I said was that I think a part of skating there is a music element to it and whether it is an iPod or a boom box.

Mr. Zachrel: They are building headphones into the helmets now.

Mr. McKenney: Maybe I didn't change something or I made a mistake here didn't we want to not have the boom boxes, I thought that was where we ended up.

Mr. Behrend: We've got that already within the rules, if you want to use audio amplification and that would include a boom box you got to have a permit.

Mr. Brown: Well could you say since this is Skatepark specific and I know we have to cover other things, I think this one would probably happen unless we, we may want to include that in these rules.

Mr. Behrend: And that is fair.

Mr. McKenney: Audio amplification devices are prohibited, personal music devices are permitted.

Mr. Brown: Just leave off, just say audio amplification boxes you might even put in boom box in parenthesis.

Mr. McKenney: Got ya.

Mr. Behrend: Because one concern we talked about I remember was the safety thing of kids or Butch was out there with his iPod listening to his chamber music and totally ignores everybody else out there because he is so into the music and he causes a safety issue, that was one concern we had, legitimate or not Butch that was one concern we had brought up, I mean we discussed it and I understand music is part of what all this is but to the point where I can hear the music from his iPod 400 feet away because he is blowing his ears out, how safe is that for A) the person; or B) the people around them, because that person is not going to hear them and that is part of the game too is you have got to know who is around you.

Mr. Carmack: What is the end result?

Mr. McKenney: The end result is E is going to read: Audio amplification devices i.e. boom boxes, etc. are prohibited. So you can still your iPod and so forth and so on.

Mr. Carmack: Yeah you left that personal thing in it they are going to do it.

Mr. McKenney: And something tells me that we ended up with the boom box but I may have missed the change, anyway chewing gum, tobacco products, and food are not allowed in the skating area, drinks in closed or unbreakable containers are permitted in designated areas, everybody good with that. Outside obstacles and modifications to the elements are prohibited strictly prohibited.

Mr. Yost: Yeah definitely.

Mr. Pike: What are some of these outside obstacles.

Mr. Behrend: You are going to move it all around.

Multiple Conversations Taking Place

Mr. Carmack: They took concrete blocks and they stacked them and they were 10 years old and they moved this stuff and their big mistake was they left it there and of course the next day I'm sure they nailed them all down or whatever.

Mr. Behrend: Question for you guys that Tim brought up...

Multiple Conversations Taking Place

Mr. Zachrel: But the reason they wax is because they don't have the coping and the park includes coping, so there is no need for wax.

Mr. Brown: Yeah when it is done right there is no need for wax.

Mr. Behrend: I just raised it as an issue.

Mr. Zachrel: Now Tim if you put coping on those curbs you wouldn't have that problem.

Mr. McKenney: H bicycles, scooters or roller blades are prohibited in the Skatepark.

Mr. Zachrel: I would allow roller blades.

Mr. McKenney: That was a question that Jim had said you might. So bicycles and scooters are prohibited ok.

Mr. Zachrel: And hopefully we can get to a point and this is not today but hopefully we can get to a point where we may allow BMX bikes without the pegs, only because I think I just hate treating those guys like...

Mr. Yost: We had a couple calls from residents that were requesting information.

Mr. Zachrel: And then what happens is especially like at Arlington Skatepark they designate a time or by special permit where they allow that to happen.

Mr. Behrend: I can see us approaching that in the future but lets get this thing working first and see how it works before we start.

Mr. Zachrel: And that is where I was going with it.

Mr. McKenney: I – animals are not permitted in the Skatepark at any time.

Mr. Pike: I've seen some dogs on skateboards they are pretty good.

Mr. McKenney: They got to come over to your parking lot, they can't do it inside the Skatepark.

Mr. Pike: What about shirts, what if a kid wants to take off his shirt.

Mr. McKenney: Well is that a rule or is that a sign.

Mr. Yost: That would have to then apply to every other park.

Mr. Pike: Why.

Mr. Zachrel: Why would we designate a Skatepark different than any other park if a guy wants to take his shirt off?

Mr. Brown: They do play basketball without their shirts on.

Mr. Behrend: If somebody wants to be stupid and take it off and get a road rash that is their problem.

Mr. McKenney: Did I get everybody's name spelled right this time? So some of these were duplicative because frankly how many people read the rules before they go out and use a park not many in all honesty, we have rules of use outside of our baseball fields now, so this is in that vein and again these were pulled, I think a number of them were deleted and still this is what we are left with. Rules for the sign participants skate at their own risk, any objection to that? Children under the age of 10 must be accompanied by an adult; children under the age of 5 are not permitted except during scheduled activities for that group, all skaters must wear I'll conform that to the other one and I will bring the sandals down to the other thing ok.

Mr. Carmack: Do you not just want to take the rule 7, Section 7 rules and just add on?

Mr. Yost: That is what I thought too.

Mr. McKenney: Do we have anything that was...

Mr. Pike: That was No Loitering.

Mr. McKenney: No Loitering.

Mr. Carmack: Right No Loitering and that is it.

Mr. McKenney: And No Littering, we have No Littering and No Loitering. And then we have the inherent risk thing so yeah I could bring over A thru I, leave K and L and the inherent risk.

Mr. Yost: LGIT wants to approve whatever signage we put up, our insurance company, so they may have specific language on certain issues, I am not sure yet.

Mr. Behrend: I would welcome their input on...

Mr. Yost: I read their regs but they want to review them and make sure that nothing is...

Mr. Zachrel: Last time I checked with LGIT they had yet, out of 17 municipalities that they insure with Skateparks, had yet to have a lawsuit.

Mr. Behrend: We don't want to be number one.

Mr. Brown: So just going back to the sign you are adding A...

Mr. McKenney: Thru I, from the rules.

Mr. Brown: Ok got it.

Mr. Pike: From the rules we already approved.

Mr. McKenney: Right I will leave K and L, no littering, no loitering...

Mr. Brown: And then add in the A off of all participants skate at their own risk.

Mr. McKenney: Oh yes, yes I forgot that was yes you are exactly right yes. Do we need to put hours on the sign?

Mr. Yost: We will yes. Are these going to be incorporated into the Parks Regs and Rules or just...

Mr. McKenney: The sign no, no, that is why I put it after the signature, that is just simply to keep it on this thing so we are all talking about it, and then the inherent risk comment that stays ok.

Mr. Brown: Very good job Mr. Doug.

Mr. McKenney: Thank you I appreciate all the feedback and input. Exception of alcohol in parks do we, in all sincere ness do we need to address that tonight.

Mr. Yost: No the only thing that...

Mr. McKenney: I mean unless we are going to have a brewery and chili thing in February here it's the coldest part of the year.

Mr. Yost: I think this is the only park ever we would allow a special exception for that ever.

Mr. Pike: And they are even looking at other places beside...

Mr. Yost: And they are true.

Mr. Pike: And that is not going to be until June or July of 2011.

Mr. McKenney: 2011?

Mr. Pike: Yeah.

Mr. McKenney: All right.

Mr. Pike: Yeah I have it right here Karen sent me an email.

Mr. Yost: Right because they are trying to get it in the FY11 Budget that we are putting together in January.

Multiple Conversations Taking Place

Mr. Brown: They are trying to secure a budget that makes sense.

Mr. McKenney: And you guys said that we were slow. All right so we have time to figure that out and by the time that we have to figure that out the Charter will be changed and our other stuff will be changed all right fine. So we don't need to deal with that. Jim quick report.

Mr. Brown: Doug I went through the coverage with you, Butch told me that you guys already covered the Charter change.

Mr. McKenney: I think for the most part unless there is something you think we missed.

Mr. Brown: No I think you got it, that was the good part of the discussion, but quickly on the other side of it, actually the Commissioners are not going to meet again in December that was something we decided on unanimously. We were introduced to the Amendment on Forest Conservation the section of our Charter, Code and there was a discussion on that, we also had an Alternate Energy Discussion but I don't think we yielded any firm results on that except for a strong discussion on it. And then we adjourned and had a

work session and went through the higher finished part of the Charter we had started before and all of our Charter revisions we accomplished everything I think for the most part from a discussion standpoint. And a large part was due and thank you Doug for being there and staying until 11:00 and working with us on it.

Mr. McKenney: I appreciate you guys letting me talk.

Mr. Brown: Your input was very, very crucial. So anyway that is what we had. Oh I am sorry we had a Public Hearing at the beginning of it and voted on, no not voted on, just had a Public Hearing on Ordinance No. 139, which is a Notice of Foreclosure Required. We talked about the Town getting notice when there are foreclosures that are imminent so that we can be aware and react before residents call and tell us what is going on. That is it.

Mr. McKenney: Butch.

Mr. Zachrel: Obviously we just went over all the rules for the Skatepark, we are continuing our fundraising effort as a matter of fact we are about to kick off a 2nd fundraising effort, individuals not only within Town but outside of Town, we should be hearing back from the Tony Hawk Foundation mid December, we are almost there which is the time that their Board meets and actually goes over the applications, we have been lobbying almost every week with them to make sure that they at least that they give us a favorable and be able to provide the funding as well as the Skatepark and we are going to continue fundraising until the ribbon cutting ceremony.

Mr. McKenney: So let me understand something the financial breakdown that Jim provided obviously has everything covered or am I missing something so we are fundraising because I want to make sure I understand.

Mr. Yost: Right what we want to do with the fencing and all the other --- some of them are still estimates that we have, so we have a budget in there, any money we have left over or if we monies that are raised in fundraising those monies can stay not for the Skatepark itself but maybe toward some other amenities, concrete outside the park, we talked about having a small sitting type area with a picnic table on the outside, so if we can we are going to expand it and do some of those things that were kind of brainstormed 3 or 4 months ago but not on the master plan of the park. On the parcel itself you can see that the grading has begun, the contractor, it has been muddy, they are going to try to be out there tomorrow, in the very upper right hand corner of that park you will see 4 blue pegs that is the 10,000 square foot that will hold the Skatepark itself so you can see where it is located, it is going to be built up about 6 feet in the back so it will be about 4 foot higher than McDonalds and it will slope down and sheet flow directly off of the Skatepark into some swales that will go down to the stormwater management system. We are hoping to have that grading complete around February and that is when the Skatepark guys will come in and start doing their stuff.

Mr. Zachrel: And we are also still looking for in-kind donations for things such as some of the rails and some of the other things that will go into the park that then we can offset that cost and be able to do some more of the amenities and move forward with that.

Mr. Brown: And just too we have just really just started this --- service of bugging individuals in Town and we are going to put together a concentrated really hardcore kind of bang for the buck approach to everybody, we have been working on that a little bit, we've got an email list that is now pretty substantial and between that and Facebook I think we've made people aware now we are going to start hitting our Town residents up

pretty hard, these people are going to use it so once again they can put their money where their skateboard is.

Mr. Zachrel: Especially now that they see it is a reality.

Mr. Brown: Right.

Mr. Yost: We are also going to put together, Preston and I were talking about it, we are going to put a sign up probably this week, hopefully this week, early next week just saying "Coming Soon Skatepark" maybe have a picture of it, blow it up and put it out there.

Mr. Zachrel: And somebody has already put it on Facebook and it wasn't me, I don't know who did it.

Mr. King: You know how at Whalen we sold benches and people would put their names and stuff on it, I don't know if you want to have people sponsor specific rails, you know what I'm saying I don't know if you guys could do that. I think people would do it.

Mr. Behrend: And that is something quite doable with this Body's approval if we did that in Whalen to make people feel it was their park and to bring them in to the park system, not just hey the Commissioners impose this, no it's the Town's park. If you got skaters who want to do that more power to them, that is less money we have to spend.

Mr. McKenney: That was my point of asking I kind of assumed all right if everything is covered and your fundraising you are using it to offset or do other greater things but we all know what happens when you start assuming so I didn't want to do that.

Mr. Brown: And you are not too far off because as Wade said too they are just estimates on several aspects that I plugged into that grid so could we have a \$20,000.00 --- we do.

Mr. McKenney: Tim I am sorry CEDC.

Mr. Pike: I passed out the purpose of the CEDC, it is on the website.

Mr. Yost: Yes it was done up when the Commissioners actually appointed the Board.

Mr. Pike: And I missed the last meeting so I don't know what they talked about. I have the minutes here but we are talking about a Farmer's Market and a Microbrew Festival separate of course.

Mr. Brown: Was there anything else Wade I know that Lori gave us a report there was something else specific that was discussed.

Mr. Pike: Holiday Lighting?

Mr. Brown: No I know Holiday Lighting that was great.

Mr. Pike: The budget, because we are working on the budget that will be next week.

Mr. Yost: Well she mentioned a couple things with the budget and the things you just mentioned.

Mr. Pike: Microbrew, Farmer's Market, Master Plan by George Coakley I missed that.

Mr. Yost: Oh they talked about the Focus Group that we held a couple months ago.

Mr. Pike: The Photo Contest at the High School, Holiday Lighting Ceremony which was a great success what about 350 or 400.

Mr. Yost: It was.

Mr. King: Fantastic.

Mr. Behrend: Yeah it was a good ceremony.

Mr. Pike: And I guess I am one of the judges for the Holiday Lighting Contest this year, thanks Wade.

Mr. Brown: Congratulations Sir.

Mr. Pike: Yeah I will be out of Town that weekend.

Mr. Brown: You can start judging right now.

Mr. Yost: You act like it is a chore.

Mr. Pike: Ever since my son was 3 I have lived Christmas lights, he loves Christmas lights.

Mr. Yost: Well you would be a good judge, you got to take him with you.

Mr. Pike: He will be out of Town with me.

Mr. Carmack: When is it?

Mr. Pike: Why you going to put some lights on your house this year?

Mr. Carmack: No I was going to volunteer to fill in for you.

Mr. Pike: Thank you buddy. No you are going with me, 18th, 19th, and 20th, next Friday, Saturday, and Sunday. Lori and I are going out with a couple 6 packs.

Mr. Behrend: One thought that came to my mind and I talked to Doug about this earlier did you guys as Commissioners put CEDC in the Charter as a Chartered group at all because there is a regulation in there that you can't be on more than one Board at a time.

Mr. Yost: We did address that with the Parks Board.

Mr. Behrend: That is the concern I had so we (inaudible).

Mr. Pike: Yeah because there is 3 from the government, 3 from business...

Mr. Yost: And residents.

Mr. Brown: (Inaudible) liaison as a non-voting...

Mr. Pike: No he is voting, so he acts official capacity.

Multiple Conversations Taking Place

Mr. McKenney: Too many conversations guys Cathy is going to hit us.

Mr. Pike: Which Cathy is a member of the Board also.

Mr. McKenney: I am trying Cathy.

Mr. Behrend: She is going to borrow Mike's gun and come in here.

Adjournment

Mr. Zachrel: Move we adjourn.

Mr. Pike: Second.

Mr. McKenney: We need to mention that the Town Staff did a great job of putting all this stuff out in Whalen Commons we didn't announce that, including I understand what a handmade LED nose, and they also did a very good job with the snow the other day too. Who moved and seconded to adjourn, all in favor?

All: Aye.

Mr. McKenney: Opposed.